



CITY COUNCIL AGENDA

Tuesday, May 20, 2014

7:00 p.m.

**Coon Rapids City Center
Council Chambers**

Open Mic/Public Comment

Call to Order

Pledge of Allegiance

Roll Call

Adopt Agenda

Proclamations/Presentations

1. Community Scholarship Month Proclamation
2. National Public Works Week
3. Twin Cities Gateway Visitors Bureau:
 - a. Approve 2014 Member City Marketing Grant Agreement
 - b. Cons. Resolution 14-62 Accepting the 2014 Member City Marketing Grant
4. Cons. Resolution 14-64 accepting the donation of funds for the City's new K9 Officer

Approval of Minutes of Previous Meeting

May 6, 2014, Council Meeting

Consent Agenda

5. Accept Easement for Round Lake Boulevard Traffic Signal
6. Cons. Resolution 14-57 Accepting a Grant from the Minnesota Department of Human Services, Alcohol and Drug Abuse Division for Tobacco Compliance Checks
7. Corporate Officer Change - Northern Tier Retail LLC dba SuperAmerica
8. Cons. Resolution 14-65 accepting donation for Movies in the Park

Reports on Previous Open Mic

None

Public Hearing

9. Cottages of Coon Creek Public Hearing

Bid Openings and Contract Awards

10. Residential Street Reconstruction, Project 14-4:
 - a. Cons. Resolution Accepting Bid and Awarding Contract
 - b. Cons. Resolution Adopting the Assessments

Old Business

11. Cons. Adoption of Ordinance Establishing Chapter 11-1600 Alternative Energy Sources and Requirements Governing Wind Energy Conversion Systems and Solar Energy Systems and Amending Chapter 11-200, PC 14-08

New Business

12. Approve Final Plat for Lawrence Estates, D. and J. Lawrence, 128th Avenue and Coon Creek Boulevard, PC 13-26
13. Frontage Road Closure Between Drake Street and Avocet Street
14. Rental License Denial Appeal, Bill and Tami Revering, 10673 Grouse Street NW
15. Cons. Resolution Accepting Feasibility Report and Ordering Public Improvement, Crescent Ponds 8th Addition, Project 14-23
16. Cons. Resolution 14-63 Relating to an Assisted Living Facility Revenue Refunding Bond Issue for Epiphany Assisted Living, LLC

Other Business

Adjourn



City Council Regular

Meeting Date: 05/20/2014

SUBJECT:

Attachments

5-6-14 Regular Meeting Minutes

UNAPPROVED

COON RAPIDS CITY COUNCIL MEETING MINUTES OF MAY 6, 2014

OPEN MIC/PUBLIC COMMENT

Jerry Pierce, 12236 Partridge Street NW, shared several concerns regarding Council's proposal for improving Bunker Hills, requesting a debate with the Council, being removed from the Chambers and his right to free speech, and his disagreement with the Open Mic procedures.

Milo Hartmann, 1563 129th Avenue NW, thanked the Council, stating that over the years he has agreed with most decisions past and present Councils have made and respected them for their hard work and time commitment.

Marv Wolke, 10051 Redwood Street, VFW, said the Post just celebrated their 60th anniversary, stating Coon Rapids has grown over the past 60 years. He said the VFW has participated in many City events and made many donations, stating the VFW was a center for social life within the City. He said he is concerned that the partnership has drifted apart and said the VFW would like to become reconnected again with regard to future events of the City.

Bob Krahn 12140 Ilex Street, said he has been a resident for 20 years and is a member of the Sustainability Commission. He said he has seen much progress in the City and felt the residents were very well represented by the Council, adding concerns need to be shared in a two-way conversation with both parties listening.

CALL TO ORDER

The first regular meeting of the Coon Rapids City Council for the month of May was called to order by Mayor Tim Howe at 7:00 p.m. on Tuesday, May 6, 2014, in the Council Chambers.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Howe led the Council in the Pledge of Allegiance.

ROLL CALL

Members Present: Mayor Tim Howe, Councilmembers Denise Klint, Ron Manning, Paul Johnson, Jerry Koch, Bruce Sanders and Steve Wells

Members Absent: None

ADOPT AGENDA

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT THE AGENDA AS AMENDED MOVING ITEM 19 ABOVE ITEM 16, DISCUSSING ITEM 21 AFTER ITEM 17 AND PLACING ITEM 20 AFTER ITEM 21. THE MOTION PASSED UNANIMOUSLY.

PROCLAMATIONS/PRESENTATIONS

1. POPPY DAYS PROCLAMATION

Mayor Howe read a proclamation declaring May 18 and 19 to be Poppy Days in the City of Coon Rapids. He expressed his gratitude for those who have served this country and several members of the American Legion were introduced to those in attendance. It was noted all donations received from this event would be used to meet the local needs of the community.

2. COON RAPIDS LIONS AND LIONESS ANNIVERSARY RECOGNITION

Mayor Howe recognized the Coon Rapids Lions Club on their proud service to the community for the past 60 years. He indicated the Coon Rapids Lioness Club has been volunteering for 45 years. He read a Proclamation recognizing the outstanding volunteer work of these wonderful organizations and declared May 3, 2014 to be Lions Club Day in the City of Coon Rapids. A round of applause was offered by all in attendance.

Lyle Goff, Lions Club President, discussed a recent event that was hosted by the Lions at Bunker Hills. He explained the Lions would be having a Chili Challenge on Sunday, May 18th and looked forward to Lions in the Park event this fall.

3. FIREFIGHTER OATH OF OFFICE – ROBERT ERICKSON

Fire Chief Piper introduced Robert Erickson to the Council. It was noted Mr. Erickson was a life-long resident of Coon Rapids and has been a paid on-call firefighter since 2010. His education and training was described in detail. Firefighter Erickson then had his badge pinned on by his grandfather.

Mayor Howe administered the Oath of Office to Firefighter Erickson and welcomed him to the Coon Rapids Fire Department. A round of applause was offered by all in attendance.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

APRIL 15, 2014, COUNCIL MEETING
APRIL 22, 2014, LOCAL BOARD OF APPEAL AND EQUALIZATION

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER KOCH, FOR APPROVAL OF THE MINUTES OF THE APRIL 15, 2014, COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER WELLS, FOR APPROVAL OF THE MINUTES OF THE APRIL 22, 2014, LOCAL BOARD OF APPEAL AND EQUALIZATION MEETING. THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA/INFORMATIONAL BUSINESS

4. CONSIDER RESOLUTION 14-58 REVISING RESOLUTION 14-55 GIVING PRELIMINARY APPROVAL TO THE PROPOSED ISSUANCE OF REVENUE BONDS FOR COTTAGES OF COON CREEK APARTMENTS
5. CONSIDER RESOLUTION 14-60 AUTHORIZING THE CITY TO ENTER INTO AND SIGN A HOST SITE AGREEMENT WITH MINNESOTA POLLUTION CONTROL AGENCY (MINNESOTA GREENCORPS)
6. CONSIDER WAIVER OF CARNIVAL LICENSE FEES FOR SPRINGFEST CELEBRATION
7. CORPORATE OFFICER CHANGE – AMERICAN LEGION, 11640 CROOKED LAKE BOULEVARD
8. CORPORATE OFFICER CHANGE – NORTHERN TIER RETAIL LLC DBA SUPERAMERICA
9. APPROVE ISSUANCE OF CLASS A ON-SALE AND SUNDAY LIQUOR LICENSE TO PERRELLA ENTERPRISES DBA SAMMY PERRELLA’S PIZZA AND RESTAURANT, 445 99TH AVENUE NW
10. AUTHORIZE ADDENDA ONE TO COON RAPIDS POLICE DEPARTMENT TZD ENFORCEMENT
11. CONSIDER RESOLUTION 14-61 APPOINTING THREE MEMBERS TO THE SAFETY COMMISSION

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER SANDERS, FOR APPROVAL OF THE CONSENT AGENDA AS PRESENTED.

Mayor Howe welcomed Jeramy Wytenback, Ethan Yang and Tracy Wiggin to the Safety Commission.

City Recycling Coordinator Sinclair discussed the host site agreement that the City would be entering into with the Minnesota Pollution Control Agency (Minnesota Greencorps). She explained this agreement would provide the City with an intern to assist the City in gathering data for the

GreenSteps program.

City Recycling Coordinator Sinclair reported the Green Expo would be held on Saturday, May 10, 2014 at the National Sports Center from 9:00 a.m. to 2:00 p.m. The topics to be discussed at the event were listed in detail. She noted this was a free event to the public and all were encouraged to attend.

THE MOTION PASSED UNANIMOUSLY.

REPORTS ON PREVIOUS OPEN MIC

None.

PUBLIC HEARING

None.

BID OPENINGS AND CONTRACT AWARDS

12. RESIDENTIAL STREET RECONSTRUCTION, PROJECT 14-1:
A. CONSIDER RESOLUTION ACCEPTING BID AND AWARDED CONTRACT
B. CONSIDER RESOLUTION ADOPTING ASSESSMENT
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The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER KLINT, TO ADOPT RESOLUTION NO. 14-1(9) AWARDED A CONTRACT TO PARK CONSTRUCTION COMPANY IN THE AMOUNT OF \$1,587,721.65, WHICH INCLUDES THE BASE BID AND ALTERNATES 1 AND 3; AND RESOLUTION NO. 14-1(12) ADOPTING THE ASSESSMENT. THE MOTION PASSED UNANIMOUSLY.

13. RESIDENTIAL STREET RECONSTRUCTION, PROJECT 14-3:
A. CONSIDER RESOLUTION ACCEPTING BID AND AWARDED CONTRACT
B. CONSIDER RESOLUTION ADOPTING ASSESSMENT
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The Staff report was shared with Council.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER JOHNSON, TO ADOPT RESOLUTION NO. 14-3(9) AWARDED A CONTRACT TO NORTH

VALLEY, INC. IN THE BASE BID AMOUNT OF \$1,636,777.80; AND RESOLUTION NO. 14-3(12) ADOPTING THE ASSESSMENT, WITH THE PREVIOUSLY DESCRIBED DELETIONS. THE MOTION PASSED UNANIMOUSLY.

14. **CONSIDER RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT, 2014
SANITARY SEWER LINING PROGRAM, PROJECT 14-11**

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER KOCH, SECONDED BY COUNCILMEMBER MANNING, TO ADOPT RESOLUTION NO. 14-11(9) ACCEPTING BIDS AND AWARDING A CONTRACT TO INSITUFORM TECHNOLOGIES USA, LLC IN THE AMOUNT OF \$1,035,144.10. THE MOTION PASSED UNANIMOUSLY.

15. **CONSIDER RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT FOR
SANITARY SEWER LIFT STATION NO. 9 RECONSTRUCTION, PROJECT 14-12**

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER MANNING, SECONDED BY COUNCILMEMBER KOCH, TO ADOPT RESOLUTION NO. 14-12(9) AWARDING A CONTRACT TO GEISLINGER & SONS IN THE AMOUNT OF \$459,813.00 FOR RECONSTRUCTION OF SANITARY SEWER LIFT STATION NO. 9. THE MOTION PASSED UNANIMOUSLY.

OLD BUSINESS

None.

NEW BUSINESS

19. **APPROVE FINAL PLAT, CRESCENT PONDS EIGHTH ADDITION, MAIN STREET
AND UNIVERSITY, WHA DEVELOPMENT, PC 08-02D**

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO APPROVE THE FINAL PLAT FOR CRESCENT PONDS EIGHTH ADDITION WITH THE SIX CONDITIONS LISTED BELOW:

1. ALL COMMENTS OF THE CITY ENGINEER SHALL BE ADDRESSED.
2. PARK DEDICATION FEE FOR 16 LOTS IN THE AMOUNT OF \$2,000.00 PER LOT SHALL BE PAID PRIOR TO RELEASING THE PLAT FOR RECORDING.
3. GRADING, DRAINAGE AND UTILITY PLANS SHALL BE APPROVED BY THE CITY ENGINEER.
4. COMPLIANCE WITH TITLE 11 THE CITY CODE OF COON RAPIDS.
5. THE COMMON AREA LANDSCAPING ALONG MAIN STREET AND FLINTWOOD AVENUE NORTH AND WEST OF COTTONWOOD STREET, ON THE EAST SIDE OF COTTONWOOD STREET AND AROUND THE STORMWATER POND ADJACENT TO THE PARK BE INSTALLED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS IN CRESCENT PONDS EIGHTH ADDITION.
6. EXECUTION OF A DEVELOPMENT AGREEMENT WITH THE CITY.

THE MOTION PASSED UNANIMOUSLY.

16. APPEAL OF RENTAL LICENSE, KELLY AND JENNIFER WADSEN, 916 120TH LANE NW

The Staff report was shared with Council.

Jennifer Wadsen, 11611 Zion Street NW, discussed the incident on their criminal background check noting it was 17 years ago. She reported they owned rental properties in other communities and requested that she and her husband be allowed to move on.

Councilmember Koch asked if the Wadsens were allowed to have rental properties, given the fact the Koskin law was in place. City Attorney Brodie explained the Koskin law requires a background check prior to hiring a property manager or anyone who has access to the property. He further discussed the requirements to receive a rental license in the City of Coon Rapids.

Councilmember Koch questioned if a management company could be hired to manage this property for the Wadsens. City Attorney Brodie reported that a criminal background check would still be completed on the property owner and the property manager, and therefore the Wadsen's would not be allowed to rent this property. He explained the type of offense committed by the Wadsen's was clearly defined within City Code as an offense that did not allow for the approval of a rental license. He stated however, that the final discretion was with the City Council.

Councilmember Klint inquired if any precedence would be set if the Council were to use discretion on this appeal case. City Attorney Brodie advised that each appeal was reviewed on a case by case

basis. He reported that the convictions of the Wadsens (felonies) were clearly grounds for not approving the rental license.

Councilmember Johnson believed this was a hard case. He stated he was worried by the type of past convictions and he was not aware of any exceptions that the Council had ever made in the past. For this reason could not support the rental license.

Councilmember Koch requested further information regarding the 2011 offense. Police Chief Wise discussed the matter noting Mr. Wadsen was convicted of 5th degree assault and placed on probation for two years. City Attorney Brodie commented Mr. Wadsen had just come off of probation in 2014.

Mayor Howe asked if there was a timeframe when convictions were not held against a resident. City Attorney Brodie stated City Code does not speak to this and for the City's purpose, all prior convictions are reviewed. Police Chief Wise discussed the legal process for an expungement of one's record. He noted this was a lengthy process.

Councilmember Manning questioned if the Council could approve the license, with conditions, such as having a property manager. Mayor Howe was not in favor of moving in this direction as it would be difficult for the City to maintain control of the situation.

Councilmember Sanders believed the City's process may need an adjustment. He found it to be unfair that the offense was being held against Mr. Wadsen after 17 years. He suggested a time limitation be placed within City Code. He proposed this item be postponed until the Council can further review this matter.

Mayor Howe discussed the City's rental license process noting it took quite some time to draft. He believed rental licenses were an important step for the City and its neighborhoods. He encouraged Mr. Wadsen to pursue the expungement route as this would then allow him to meet the City's requirements.

Councilmember Manning questioned how the current renters and sale of the property would be handled by the City.

Mrs. Wadsen stated the current deadline was for the renter to be out by May 15th. She believed this timeline was unfair. She requested the renter be allowed to finish the lease as this would then allow her to sell the property.

Community Development Director Nevinski commented that City staff could work with the Wadsen's on this matter. City Attorney Brodie explained the original deadline of May 15th was sent to the Wadsen's via letter, which was appealed by the Wadsen's. These actions have extended the matter.

Councilmember Koch stated he could have looked past the original offense as it occurred 17 years ago. However, he had concern with reoccurrence in 2011. He supported the property being turned over to a property manager with the locks being rekeyed.

Kelly Wadsen, 11611 Zion Street NW, discussed the 2011 conviction with the Council in detail. He reported he has a child with another woman and he got into an argument with her. There was no physical assault, he called her names and was arrested for the argument.

Councilmember Wells supported providing the Wadsen's tenant some level of leniency but was not in favor of amending the City's rental license Ordinance.

Mayor Howe commented the Ordinance was in place for the protection of the public.

Councilmember Sanders believed that the teeth should not be taken out of the Ordinance either and noted the second conviction concerned him as well.

Councilmember Klint stated from her point of view, she believed the Council could use discretion. It was her opinion that the Wadsens had changed their previous behavior and for that reason, she recommended the appeal be considered.

Councilmember Koch agreed and commented that if Ms. Wadsen had filled out the application in her name, the information regarding Mr. Wadsen's previous convictions would not have been known by the City. He appreciated the Wadsen's being forthcoming. Staff clarified that criminal background checks are required for all property owners.

Councilmember Johnson encouraged the Wadsens to work with City staff regarding the renter's timeline.

Ms. Wadsen explained the renter was a co-worker of Mr. Wadsen and has known him for the last four years and had no concerns about his past. It was noted the six month lease with the renter ran from April 1st to September 30th.

MOTION BY COUNCILMEMBER WELLS, SECONDED BY COUNCILMEMBER JOHNSON, TO AFFIRM THE DENIAL OF A RENTAL LICENSE TO KELLY AND JENNIFER WADSEN, PROPERTY OWNERS OF 916 120TH LANE NW.

Councilmember Sanders recommended the tenant be allowed an extension. City Attorney Brodie believed the tenant would be given a reasonable amount of time to vacate the premises.

Mayor Howe suggested a friendly amendment allowing for staff's discretion to resolve the tenant situation.

THE MOTION PASSED 5-2, COUNCILMEMBER KLINT AND KOCH OPPOSED.

17. SOLICITOR LICENSE APPEAL, JORDAN GRAHEK, DONATE TODAY

The Staff report was shared with Council.

Jordan Grahek, 12722 Johnson Street NE in Blaine, discussed the organizations he has worked for, Marketing with Meaning and Donate Today. He explained how a portion of proceeds from the cards he sold was donated to local charities. He commented after speaking with staff, he had a better understanding of the solicitor license process and indicated Donate Today was now more transparent.

Mr. Grahek commented he has had great success in Andover, Eagan, New Hope and Hopkins. He requested the Council allow him to resubmit an application for a solicitor license in Coon Rapids.

Mayor Howe asked if Mr. Grahek wore a solicitors badge when soliciting in Coon Rapids. Mr. Grahek reported this was not required in most communities. He commented that most communities just require solicitors to carry a piece of paper. City Clerk Sorenson reported Coon Rapids does require solicitors to wear a badge.

Councilmember Wells reported he was visited by Donate Today. He questioned if “Larry” was a real person. Mr. Grahek stated Larry was a real person with a degenerative bone disease.

Councilmember Manning inquired what percentage of proceeds was given to charities. Mr. Grahek stated he was approved as a non-profit organization on March 1st. He did not have any hard and fast numbers to provide the Council this evening. He explained he receives less than minimum wage at this time. He hoped to donate 20-25% to charities.

Councilmember Klint indicated she was also visited by Donate Today solicitors. She asked to see their badge and the solicitor did not have one. This information was then passed along to City staff and she recommended this license be denied.

Mayor Howe commented this happened at his home as well.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER SANDERS, TO AFFIRM THE DENIAL OF THE SOLICITOR LICENSE TO MR. JORDAN GRAHEK FOR THE NONPROFIT OF DONATE TODAY LOCATED AT 12722 JOHNSON ST NE, BLAINE, MN 55434.

Councilmember Sanders asked if Mr. Grahek could reapply for a license if the Council were to deny approval at this time. City Clerk Sorensen explained that Mr. Grahek would not be eligible to apply for a license for two years.

THE MOTION PASSED UNANIMOUSLY.

Councilmember Klint suggested Item 18 be discussed next.

18. **CONSIDER INTRODUCTION OF AN ORDINANCE ESTABLISHING GOVERNING WIND ENERGY SYSTEMS AND SOLAR ENERGY SYSTEMS, PC 14-08**

The Staff report was shared with Council.

Mayor Howe was pleased to see that the City was taking the initiative to create an Ordinance to address these issues.

Councilmember Manning questioned if the generators used with wind energy systems created noise and if so, if additional language should be included in the Ordinance to address this concern. Planner Harlicker reported the noise would be handled by current City ordinance, which references MPCA standards. He believed that noise was not a concern for smaller residential systems. Community Development Director Nevinski commented language could be added to this Ordinance to reference the MPCA standards.

Councilmember Koch asked how many rotors or blades would be allowed and requested further information regarding setbacks for wind energy systems. Planner Harlicker indicated the wind energy systems would only be allowed on larger lots. He discussed the technology that was available today, and believed this style of unit would only be located on institutional properties.

Councilmember Sanders supported the proposed Ordinance.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER KOCH, TO INTRODUCE AN ORDINANCE ESTABLISHING SECTION 11-1600 ALTERNATIVE ENERGY SOURCES AND SYSTEMS AND REGULATIONS GOVERNING WIND GENERATORS AND SOLAR ENERGY SYSTEMS AND AMENDING SECTION 11-200 DEFINITIONS BY ADDING WIND GENERATOR AND SOLAR ENERGY RELATED TERMS. THE MOTION PASSED UNANIMOUSLY.

20. **COON RAPIDS BOULEVARD AND SPRINGBROOK DRIVE IMPROVEMENTS, PROJECT 12-26:**
- A. **CONSIDER RESOLUTION ACCEPTING FEASIBILITY REPORT AND ORDERING PUBLIC HEARING**
 - B. **CONSIDER RESOLUTION DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL**
 - C. **CONSIDER RESOLUTION SETTING ASSESSMENT HEARING DATE**
-

The Staff report was shared with Council.

MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS, TO ADOPT RESOLUTION NO. 12-26(4), ACCEPTING THE FEASIBILITY REPORT AND ORDERING A PUBLIC HEARING ON JUNE 3, 2014; RESOLUTION NO. 12-26(10),

DECLARING COST TO BE ASSESSED AND ORDERING PREPARATION OF A PROPOSED ASSESSMENT ROLL; AND RESOLUTION NO. 12-26(11) SETTING THE ASSESSMENT HEARING DATE FOR JUNE 3, 2014. THE MOTION PASSED UNANIMOUSLY.

21. **APPROVE SERVICE AND LICENSE AGREEMENT WITH CIVICPLUS FOR CITY WEBSITE DEVELOPMENT PROJECT**

Stephanie Ring reviewed a proposal with the Council for the redesign of Bunker Hills, the Ice Arena and the City's website. She provided a brief presentation, noting the new design would be responsive to all mobile devices. The tentative timeline was reviewed and a tentative live date was set for March 2015. Additional benefits of the new sites were reviewed and staff recommended approval of the website development project with CivicPlus.

Councilmember Koch requested further information regarding text subscribers. Ms. Ring discussed the texting capability that would be incorporated into the City's new website. She anticipated that texts would only be sent in emergency situations.

Councilmember Manning asked if there would be an additional cost for the website redesign in three years. Ms. Ring reported there was not an additional fee, the City would simply continue paying the yearly maintenance fees.

Councilmember Koch recommended the language translator tool be prominent on the City's website.

Councilmember Johnson recommended nighttime support be provided for the City's website.

Mayor Howe believed this was a positive step for the City.

MOTION BY COUNCILMEMBER KLINT, SECONDED BY COUNCILMEMBER JOHNSON, TO APPROVE THE SERVICE AND LICENSE AGREEMENT WITH CIVICPLUS FOR THE CITY WEBSITE DEVELOPMENT PROJECT.

Councilmember Sanders thanked staff for the thorough report and for providing the Council with a qualified vendor for the new website. He requested that staff provide the Council with updates throughout the website development process.

Councilmember Koch questioned if the City would have an advisory board or volunteers to assist with the redesign of the website. Mayor Howe believed that staff was more than qualified to complete this task. Ms. Ring indicated staff has discussed having several community focus groups.

THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

Councilmember Manning complimented the Coon Rapids Senior High School drama department for their recent production called “All Shook Up” and encouraged the public to take advantage of the local production.

Councilmember Manning explained he toured the newly opened hospital facility and was impressed by the addition.

Councilmember Klint recommended staff move forward on the requested course of action for the Dot Self-Storage business.

Councilmember Klint encouraged residents and businesses to clean up their property this spring, or that code enforcement action be taken.

Mayor Howe stated on Sunday, May 18, 2014, from 12:00 p.m. to 4:00 p.m. the Home Remodeling Tour would be held. He noted six properties would be featured in the tour.

Councilmember Wells thanked City Clerk Sorensen for her dedicated service to the City of Coon Rapids and wished her well at her new position.

ADJOURN

**MOTION BY COUNCILMEMBER SANDERS, SECONDED BY COUNCILMEMBER WELLS,
TO ADJOURN THE MEETING AT 9:11 P.M. THE MOTION PASSED UNANIMOUSLY.**

Approval Attestation:
Cathy Sorensen, City Clerk



City Council Regular

1.

Meeting Date: 05/20/2014

Submitted For: Steve Gatlin, City Manager

From:

Cathy Sorensen, City Clerk

INTRODUCTION

Council is asked to proclaim May as Community Scholarship Month for the Coon Rapids Community Scholarship Association.

DISCUSSION

The Coon Rapids Community Scholarship Association (CRCSA) is a 501c3 association that provides scholarships for students graduating from Coon Rapids High School. Nick Braschayko, Coon Rapids Community Scholarship Association, will be present to share some information on the CRCSA and to accept the Proclamation.

RECOMMENDATION

Council is asked to proclaim May 2014 as Community Scholarship Month.

Attachments

Proclamation



PROCLAMATION

COMMUNITY SCHOLARSHIP MONTH

Whereas, education has always been a high priority in this nation, from the rural schoolhouse to the great universities; and

Whereas, our country has benefited and prospered as a result of the educational opportunities available to and utilized by our youth; and

Whereas, high school graduates are encouraged to pursue post-secondary education with the receipt of scholarship aid; and

Whereas, the Coon Rapids Community Scholarship Association solicits the aid and support of the entire community in making scholarships available to each year's graduating class at Coon Rapids High School. The class of 2013 was presented with 178 scholarships in the amount of \$161,350; and

Whereas, to date the Coon Rapids Community Scholarship Association has presented \$3,122,080 benefiting a total of 5,007 students since 1966; and

Whereas, the Coon Rapids Community Scholarship Association, through their support and dedication, provides opportunities for higher education to our youth which would not otherwise be available.

Now, therefore, I, Tim Howe, Mayor of the City of Coon Rapids, on behalf of the Coon Rapids City Council, hereby proclaim the month of May 2014 to be **Community Scholarship Month** in the City, with the intent of making every citizen aware of the great potential in our youth and the long-term value of their education. All citizens are encouraged to participate in the promotion of higher education through financial support to this important community fund.

Proclaimed this 20th day of May, 2014.

Tim Howe, Mayor

Vincent Vu, Management Analyst/Deputy Clerk



City Council Regular

2.

Meeting Date: 05/20/2014

Submitted For: Tim Himmer, Public Works Director **From:** Cathy Sorensen, City Clerk

INTRODUCTION

Council is asked to recognize our outstanding Public Works staff during National Public Works Week.

DISCUSSION

Since 1960, the American Public Works Association (APWA) has sponsored National Public Works Week. Across North America, more than 28,000 members in the US and Canada use this week to energize and educate the public on the importance of the contribution of public works to their daily lives: planning, building, managing and operating the heart of our local communities and building the quality of life. This years theme "Building for Today, Planning for Tomorrow" represents the classic idea of stewardship embodied by the profession of public works and the professionals that practice it. Focusing on the communities; "***building***" points out the day to day aspect of public works that is quality of life, while "***planning***" references the sustainable practices that ensure that quality of life for future generations.

Council and staff are asked to recognize our Public Works staff for their hard work and contributions to the City of Coon Rapids.

RECOMMENDATION

Staff requests the Mayor read the Proclamation into the record.

Attachments

Proclamation



PROCLAMATION

PUBLIC WORKS WEEK

Whereas, public works services provided in our community are an integral part of our citizens' everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

Now, therefore, I, Tim Howe, Mayor of the City of Coon Rapids, on behalf of the City Council, hereby proclaim the third full week of May as **"NATIONAL PUBLIC WORKS WEEK"** in the City of Coon Rapids and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

Proclaimed this 20th day of May, 2014.

Tim Howe, Mayor

Steven D. Gatlin, City Manager



City Council Regular

3.

Meeting Date: 05/20/2014

Submitted For: Steve Gatlin, City Manager

From:

Cathy Sorensen, City Clerk

INTRODUCTION

Steve Markuson of Twin Cities Gateway, the area visitors bureau, will be in attendance to present the City with the 2014 Member City Marketing Grant.

DISCUSSION

Twin Cities Gateway will be providing community grants to all eight member cities. The grant is based on the local option lodging taxes collected by the City and other member cities. The City of Coon Rapids will be receiving \$16,392 from the 2014 Member City Marketing Grant.

The City may use the grant funds for any purpose as specified and in accordance with the Minnesota State Statute 469.10 governing the local option lodging tax and the established criteria identified by the TCG Board in the attached Agreement. The City may choose to use the grant funding for the promotion of an event, activity, or facility located within the City or to add new activities to enhance existing events. Per the terms of the Agreement, the City will also be required to document how the grant funding is used by providing copies of expense receipts / invoices.

As directed by Council, 90% of this amount, or \$14,752.80 will be directed to the Community Strength Foundation. The balance of \$1,639.20 will remain in the Contract Grants activity in the General Fund.

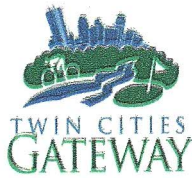
RECOMMENDATION

- a. Approve 2014 Member City Marketing Grant Agreement.
- b. Adopt Resolution 14-62 accepting the 2014 Member City Marketing Grant in the amount of \$16,392.

Attachments

Marketing Grant Agreement

Resolution 14-62



Coon Rapids 2014 Member City Grant Agreement

This Agreement between the City of Coon Rapids, 11155 Robinson Drive, Coon Rapids, MN 55433, hereinafter "the City," and Twin Cities Gateway, a Minnesota non-profit corporation, 10801 Town Square Drive, Blaine, MN 55449, hereinafter "the Bureau," contains the terms and conditions for a 2014 grant to the City in the amount of \$16,392 from the Bureau to the City.

Whereas the grant funding provided is based on local option lodging taxes collected by the City and the eight other member cities of the Bureau and

Whereas the City agrees to expend the grant funding in **compliance with MN Statute 469.10** which states that gross proceeds from any tax imposed shall be used for the purpose of marketing and promoting the City as a tourist or convention center and

Whereas the Bureau has specified that grant funds must be used for advertising, marketing, and promotional efforts to increase participation, attendance, or visitation to an event, activity, or facility located within the City, and / or to add new activities to enhance existing events, and

Whereas the Bureau specifies that advertising, marketing, and promotional efforts for which said grant funding is used must extend beyond the borders, or boundaries of the City and

Whereas it is agreed that prior to December 31, 2014, the City will provide an overview of how the Bureau grant funding was used, as well as provide copies of actual receipts or invoices to document how the grant funding the Bureau provided was utilized.

Now by execution of this Agreement, the City and the Bureau agree to and approve the terms:

By: **City of Coon Rapids**

By: **Steve Markuson / Twin Cities Gateway**

Signature
Date: _____

Steven D Markuson

Signature
Date: 05/05/14

RESOLUTION NO. 14-62

**A RESOLUTION TO ACCEPT THE GRANT OF MONIES TO BE USED TOWARD
THE COMMUNITY STRENGTH FOUNDATION AND THE CONTRACT GRANTS
ACTIVITY IN THE GENERAL FUND FROM TWIN CITIES GATEWAY**

WHEREAS, Twin Cities Gateway has awarded the City of Coon Rapids a grant of \$16,392 through the 2014 Member City Marketing Grant; and

WHEREAS, Minn. Stat. § 465.03 allows cities to accept donations of real or personal property by resolution adopted by a two-thirds majority of Council; and

WHEREAS, the City Council finds the offered grant to be in the public interest.

NOW THEREFORE BE IT RESOLVED by the City Council of Coon Rapids, Minnesota that the grant from Twin Cities Gateway in the amount of \$16,392 is hereby accepted.

Adopted by the Coon Rapids City Council this 20th day of May, 2014.

Tim Howe, Mayor

ATTEST:

Vincent Vu, Management Analyst/Deputy Clerk



City Council Regular

4.

Meeting Date: 05/20/2014

From: Matt Stemwedel, Assistant City
Manager

INTRODUCTION

The first annual Coon Rapids Chili Challenge brought eight local organizations together for a common cause. The Challenge took place on Sunday, May 18th. Organizations involved included Coon Rapids Police Department, Coon Rapids Fire Department, Coon Rapids Kiwanis, Coon Rapids Rotary, Coon Rapids Lions Club, Coon Rapids Northstar Lions Club, the Coon Rapids VFW and the Coon Rapids American Legion.

DISCUSSION

The Chili Challenge raised \$1,018.50 to be donated towards the purchase of our new K9 officer, Billy. Winners of the Chili Challenge are as follows:
3rd Place: Coon Rapids Fire Department
2nd Place: Coon Rapids VFW
1st Place: Coon Rapids Lions Club

RECOMMENDATION

Consider Resolution 14-64 accepting the donation of funds for the City's new K9 Officer and extending the City's thanks to the many community organizations that participated in the Coon Rapids Chili Challenge.

Attachments

Resolution 14-64

RESOLUTION NO. 14-64
A RESOLUTION TO ACCEPT THE DONATIONS OF MONIES TO BE
USED TOWARD THE CITY'S NEW K9 OFFICER FROM THE COON RAPIDS LIONS
CLUB

WHEREAS, the Coon Rapids Lions Club has offered to donate \$1,018.50 to the City to be used toward the City's new K9 Officer; and

WHEREAS, Minn. Stat. § 465.03 allows cities to accept donations of real or personal property by resolution adopted by a two-thirds majority of Council; and

WHEREAS, the City Council finds the offered donation to be in the public interest;

NOW THEREFORE BE IT RESOLVED by the City Council of Coon Rapids, Minnesota that the donation of \$1,018.50 is hereby accepted.

BE IT FURTHER RESOLVED that the City of Coon Rapids hereby extends its gratitude to all of the organizations who participated in the Coon Rapids Chili Challenge, the fundraiser that generated the funds for the this donation, including: Coon Rapids Police Department, Coon Rapids Fire Department, Coon Rapids Kiwanis, Coon Rapids Rotary, Coon Rapids Lions Club, Coon Rapids Northstar Lions Club, the Coon Rapids VFW and the Coon Rapids American Legion.

Adopted by the Coon Rapids City Council this 20th day of May, 2014.

Tim Howe, Mayor

ATTEST:

Joni Anderson, Temporary City Clerk



City Council Regular

5.

Meeting Date: 05/20/2014

Submitted For: Tim Himmer, Public Works Director

From:

Cher Ridout, Admin Secretary II

INTRODUCTION

Council is being asked to accept an easement from Tuscany Villas Second Addition Association for the dedication of right-of-way, in the northeast corner of the Round Lake Boulevard/Wedgewood Drive intersection, to facilitate the construction of a traffic signal as part of the pending City improvement project 14-2.

DISCUSSION

As part of the public hearing process for project 14-2 (Round Lake Boulevard reconstruction) a petition was received requesting the inclusion of a traffic signal at the intersection of Round Lake Boulevard and Wedgewood Drive. Following dialogue on the issue Council directed staff to include the traffic signal with the pending reconstruction project. City staff and our consultant (WSB & Associates) have been working diligently to revise the plans, garner agency approvals, and secure the property necessary for adding this signal.

Attached is an executed easement agreement from Tuscany Villas Second Addition Association, which is the first of four needed acquisitions. Staff will continue working with the other three property owners in an effort to expedite the remaining acquisitions.

RECOMMENDATION

Staff recommends that the City Council accept the easement from Tuscany Villas Second Addition Association for the dedication of right-of-way, in the northeast corner of the Round Lake Boulevard/Wedgewood Drive intersection.

Attachments

Easement Agreement

Required Property Acquisitions

EASEMENT AGREEMENT

(pc 14-2)

THIS INDENTURE, made this _____ day of _____, _____, between TUSCANY VILLAS SECOND ADDITION ASSOCIATION, a non-profit corporation, herein referred to as the Landowner, and the CITY OF COON RAPIDS, a municipal corporation organized under the laws of the State of Minnesota, hereinafter referred to as the "City".

WITNESSETH:

That the said Landowner in consideration of the sum of One Dollar and other good and valuable consideration to it in hand paid by the City, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey unto the said City, its successors and assigns, forever, a permanent easement for road right-of-way, drainage and utility, sidewalk and snow storage purposes over, under and across the following described property:

An easement for public right-of-way purposes over, under and across that part of Lot 41, Block 1, TUSCANY VILLAS SECOND ADDITION, Anoka County, Minnesota.

That part of said lot 41 described as follows: lying westerly of a line drawn from a point on the south line of said lot, a distance of 10.00 feet southeasterly of the west corner of said lot to a point on the west line of said lot, a distance of 10.00 feet northeasterly of the west corner of said lot.

EXEMPT FROM STATE DEED TAX

This easement shall convey to the City, its contractors, agents, officers and employees the right to enter upon said premises at all reasonable times for the purpose of construction, grading, sloping and restoration purposes, and all such purposes ancillary thereto, together with the right of said City, its contractors, agents, officers and employees to remove trees, brush, undergrowth and other obstructions from the easement area, as well as the right to deposit earthen materials within the easement area.

The City agrees to indemnify and hold the Landowner harmless from damages or claims resulting directly and solely from the use of the easements. This indemnification, however, shall not include and the City shall not be responsible for any and all costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, and losses resulting from any claims, actions, suits, or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants which may have existed on, or which relate to, the property prior to the date hereof and which were not caused by the City.

Upon the completion of any construction, maintenance, or replacement project, the City will restore any disturbed areas including, but not limited to, the replacement of any damaged sod and plantings

Nothing contained herein shall be deemed a waiver by the City of any governmental immunity defenses, statutory or otherwise. Further, any and all claims brought by Landowner, its successors or assigns, shall be subject to any governmental immunity defenses of the City and the maximum liability limits provided in Minnesota Statutes Chapter 466.

And the said Landowner, for itself, its successors and assigns, does covenant with the City, its successors and assigns, that it is well seized in fee of the lands and premises aforesaid and has good right to grant and convey the easement herein to said City.

IN WITNESS WHEREOF, the said Landowner has caused this agreement to be executed as of the day and year first above written.

TUSCANY VILLAS SECOND
ADDITION ASSOCIATION

By: _____

Its: _____

CITY OF COON RAPIDS

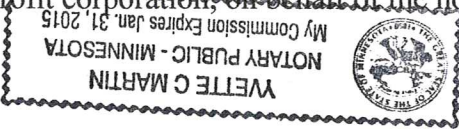
By: _____
Tim Howe, Mayor

By: _____
Steven D. Gatlin, City Manager

[Signatures continue on following page]

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this 06 day of May, before me a Notary Public within and for said County, personally appeared Linda Hausstein the president of TUSCANY VILLAS SECOND ADDITION ASSOCIATION, a non-profit corporation, on behalf of the non-profit corporation.



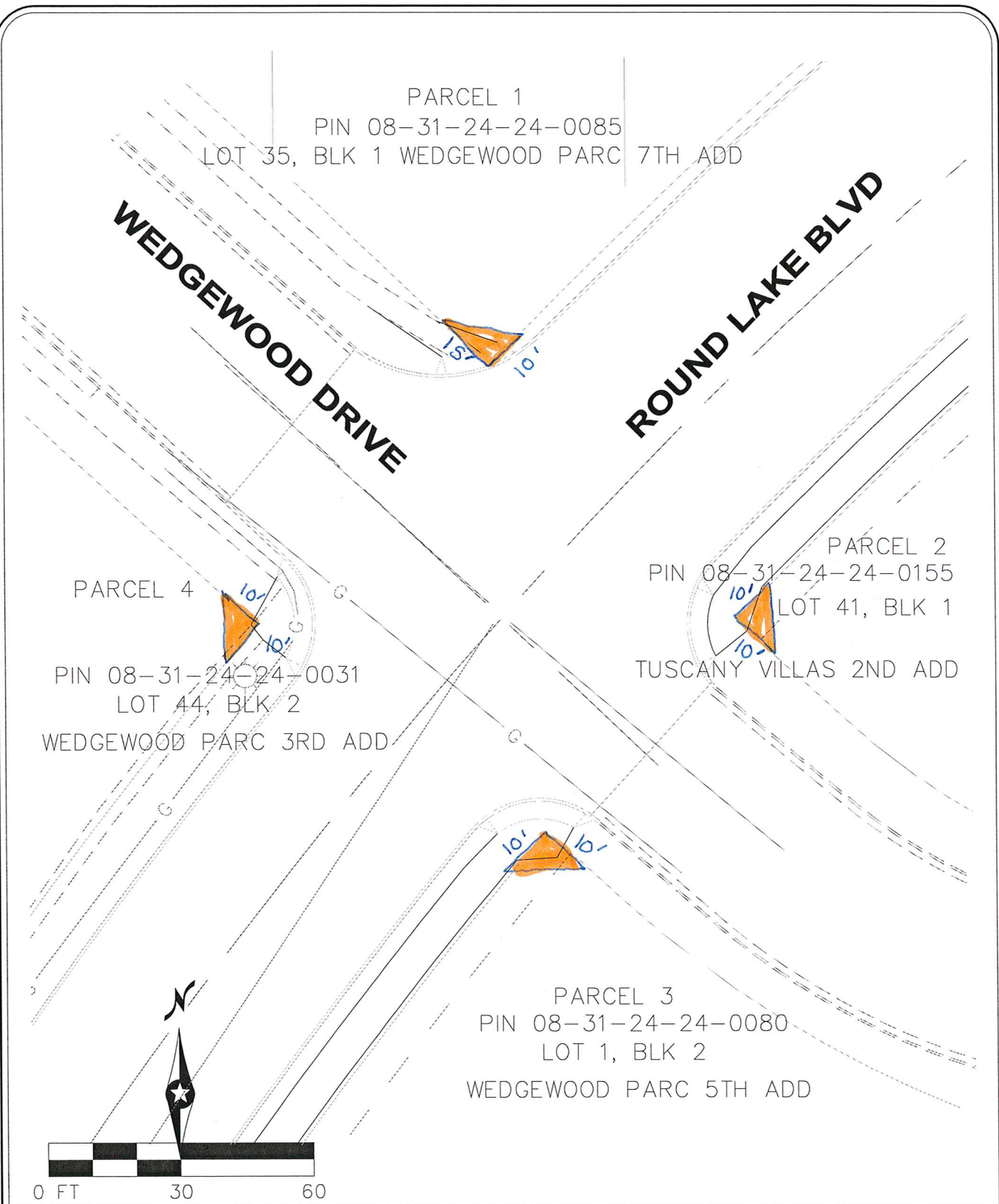
STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this ____ day of _____, before me a Notary Public within and for said County, personally appeared Tim Howe and Steven D. Gatlin, the Mayor and City Manager for the City of Coon Rapids, a municipal corporation under the laws of the State of Minnesota, on behalf of the municipal corporation.

Notary Public

This instrument was Drafted by:

David J. Brodie
Coon Rapids City Attorney
11155 Robinson Drive
Coon Rapids, Minnesota 55433
(763) 767-6495



701 Xenia Avenue South, Suite 300
Minneapolis, MN 55416
Tel: (763) 541-4800 · Fax: (763) 541-1700
wsbeng.com

engineering · planning · environmental · construction

ROUND LAKE BOULEVARD
STREET IMPROVEMENTS
ROUND LAKE BOULEVARD
AND WEDGEWOOD DRIVE
COON RAPIDS, MINNESOTA

WSB NO. 01431-40

ADDITIONAL
EASEMENT
AT
INTERSECTION



City Council Regular

6.

Meeting Date: 05/20/2014

From: Cathy Sorensen, City Clerk

INTRODUCTION

In March the Coon Rapids Police Department conducted tobacco compliance education checks as part of a pilot program offered by the Minnesota Department of Human Services/Alcohol and Drug Abuse Division. As part of that program the City is now eligible to receive a grant reimbursing the Police Department for the costs of the checks. Council is asked to accept this grant.

DISCUSSION

The Minnesota Department of Human Services/Alcohol and Drug Abuse Division created a new program, *Congratulate and Educate Project*, designed to reduce tobacco usage in youth. Of the 51 compliance checks conducted in the City only three license holders failed. A stipulation of the program states that no fines can be imposed but that educational materials are shared with license holders who failed and follow up compliance checks are conducted again later in the year to ensure compliance is met. If failure occurs at that time administrative fines will be imposed. In addition, letters of congratulations were given to the license holders who passed the compliance checks; since no fines were imposed identification of the license holders who failed is not public.

The amount of the grant, based on the 51 compliance checks conducted, totals \$1,960. Council is asked to adopt the resolution accepting the grant.

RECOMMENDATION

Staff recommends adopting Resolution 14-57 to accept the \$1,960 grant from the Minnesota Department of Human Services, Alcohol and Drug Abuse Division for the tobacco compliance checks.

Attachments

Congratulate & Educate Project Outline

Resolution 14-57



Minnesota Department of Human Services

To: Police, Sheriff or Public Health Staff
From: Collin Frazier, Supervisor FDA Project, MN DHS Alcohol & Drug Abuse Division
Re: The Congratulate & Educate Project
Date: 2014

We appreciate your willingness to participate in the *Educate and Congratulate Project* designed to help keep tobacco out of the hands of Minnesota youth.

Here's how the project works: As soon as your department's authorized representative signs the enclosed contracts you are ready to conduct tobacco compliance checks under this project. Please conduct tobacco compliance checks at the number of establishments noted on your annual plan (contract). **Tobacco compliance checks under this project are Educational Checks, so no sanctions to the clerk or business owner are permitted.**

It is important you follow the following procedure for best possible results:

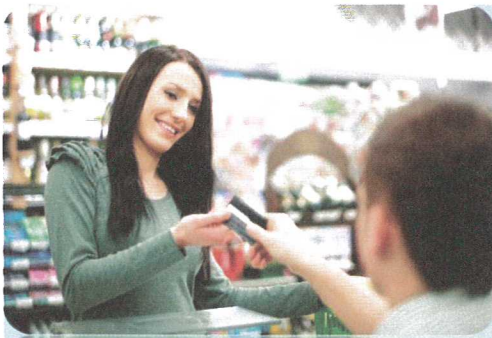
- If the clerk fails the inspection please give them a copy of the **Clerk Fail Publication**. **If possible read through the publication with the clerk, so they understand the importance of the information contained in the publication.**
- If the clerk passes the inspection please fill out the **Congratulation Certificate** and provide the certificate to the clerk.
- Whether the clerk passes or fails the compliance check please fill out the **Owner Publication** and provide the publication to the owner.
- When the compliance checks are completed please fill out the enclosed survey and vendor invoice and mail/ email them to Collin Frazier and your department will be reimbursed \$40.00 per check (up to the number of checks listed on your annual plan).

Please find the following documents in your package:

- Three annual plans (contracts). Please sign all three and return two originals to Joan Kaluza
- **Clerk Fail Publications** x number listed on your annual plan + 2
- **Congratulation Certificate** x number listed on your annual plan + 2
- **Owner Publication** x number listed on your annual plan + 2
- Exit survey to be returned with invoice
- Vendor invoice

If you are missing any documents please contact Collin Frazier. If you would like more information on best practices in conducting compliance checks please contact Katie Engman, The Association of Nonsmokers-Minnesota (ANSR) at 651-646-3005.

Collin Frazier, MN FDA Project Supervisor (cell) 240-731-5594
MN Department of Human Services, Alcohol and Drug Abuse Division
collin.frazier@state.mn.us
P.O. Box 64977
St. Paul, MN 55164-0977
651 431-2341
Fax: 651 431-7449
MN Relay: 711 or 800-627-3529



Minnesota Congratulate & Educate Project

Helping to Restrict Youth Access to Tobacco

You **FAILED** an Educational Tobacco Compliance Check

WHAT DOES MINNESOTA LAW SAY ABOUT SELLING TOBACCO TO YOUTH?

It is illegal to sell or furnish tobacco or tobacco-related devices (such as pipes or rolling papers), or sell nicotine or lobelia delivery products (such as e-cigarettes) to any person who is under the age of 18. FDA approved tobacco cessation devices are exempt. This is commonly referred to as Minnesota's Youth Access Law. MN Statute 609.685-.6855.

WHAT DOES THIS MEAN?

It means you sold tobacco to someone under the age of 18 which is against the law. Fortunately for you, this is an educational compliance check which means you won't be getting a fine or jail time THIS TIME. Think of this as an opportunity to brush up on the law and what you need to do to stay away from getting fined or even jail time for selling tobacco to anyone under the age of 18. You may still face a consequence from your employer –that is up to them.

HOW DO TOBACCO COMPLIANCE CHECKS WORK?

The most important thing to understand is that whether a tobacco compliance check is conducted by the County, City or the FDA the minors should NOT try to trick you into selling to them. Fake ID's should NOT be used and minors should NOT lie.

WHAT COULD HAPPEN IF I SELL TOBACCO TO SOMEONE UNDER 18?

Any person who sells tobacco to a minor may:

- Have to pay a **\$50.00** Administrative fee (some cities/ counties may charge more).
- Be found guilty of a misdemeanor which is punishable by up to **90 days in jail and/ or up to a \$1,000 fine** for the first violation.
- Be found guilty of a gross misdemeanor which is punishable by up to **a year in jail and/ or up to a \$3,000 fine** for any additional violations within 5 years of a previous conviction.
- Face re-training/ discipline/ or be fired from his or her job.

STEPS TO FOLLOW:

- **Do NOT** sell or furnish tobacco or tobacco-related devices (such as pipes or rolling papers) to any person who is under the age of 18.
- **Do NOT** sell or furnish nicotine or lobelia delivery products (such as e-cigarettes) to any person who is under the age of 18
- Check an acceptable form of a photo ID of everyone appearing under age 27 who attempts to purchase cigarettes, cigarette tobacco, or smokeless tobacco (your employer may have a stricter policy such as requiring you to check everyone's ID no matter what age they appear).
- **Do NOT** sell single cigarettes often called "loosies."
- **Do NOT** give away free samples of cigarettes.
- **Do NOT** sell cigarettes, cigarette tobacco, or smokeless tobacco from a self-service display or vending machine if anyone under the age of 18 is permitted to enter the establishment at any time.



Certificate of Appreciation

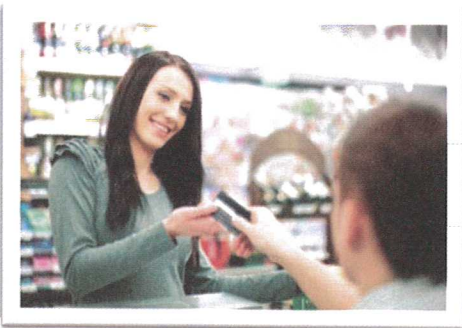
A Special Thanks To:

*For passing a Tobacco Compliance Check and doing your
part to restrict youth access to tobacco.*

Name/Department

Date

Funded by the Minnesota Department of Human Services, Alcohol and Drug Abuse Division



BUSINESS OWNER

Minnesota Congratulate & Educate Project

Helping to Restrict Youth Access to Tobacco

WHAT IS THE MINNESOTA CONGRATULATE & EDUCATE PROJECT?

The Minnesota Department of Human Services, Alcohol and Drug Abuse Division is funding Sheriff Departments, Police Departments and County Public Health Agencies to conduct unannounced educational tobacco compliance checks. ***Checks will be educational-based and no sanctions should be incurred from the State, County or City.*** The goal of educational compliance checks is both to congratulate clerks who pass the compliance check (do NOT sell tobacco to the minor) and to provide education on: (1) the law, (2) what compliance checks are, (3) why compliance checks are important, (4) possible penalties to clerks AND owners if a clerk sells tobacco to someone under 18. This project encourages and supports community policing whereby local law enforcement and the community work together to restrict youth access to tobacco.

Here are the results of the educational tobacco compliance check conducted at your business:

On _____ at _____ o'clock AM / PM

Your clerk PASSED / FAILED an educational tobacco compliance check conducted by

Officer/Agent: _____

Department: _____

at the following location: _____

2013 Minnesota Statutes

461.12 MUNICIPAL TOBACCO LICENSE.

Subdivision 1. **Authorization.** A town board or the governing body of a home rule charter or statutory city may license and regulate the retail sale of tobacco and tobacco-related devices as defined in section 609.685, subdivision 1, and establish a license fee for sales to recover the estimated cost of enforcing this chapter. The county board shall license and regulate the sale of tobacco and tobacco-related devices in unorganized territory of the county except on the State Fairgrounds and in a town or a home rule charter or statutory city if the town or city does not license and regulate retail tobacco sales. The State Agricultural Society shall license and regulate the sale of tobacco on the State Fairgrounds. Retail establishments licensed by a town or city to sell tobacco are not required to obtain a second license for the same location under the licensing ordinance of the county.

Subd. 2. **Administrative penalties; licensees.** If a licensee or employee of a licensee sells tobacco or tobacco-related devices to a person under the age of 18 years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of \$75. An administrative penalty of \$200 must be imposed for a second violation at the same location within 24 months after the initial violation. For a third violation at the same location within 24 months after the initial violation, an administrative penalty of \$250 must be imposed, and the licensee's authority to sell tobacco at that location must be suspended for not less than seven days. No suspension or penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Subd. 3. **Administrative penalty; individuals.** An individual who sells tobacco or tobacco-related devices to a person under the age of 18 years must be charged an administrative penalty of \$50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Subd. 4. **Minors.** The licensing authority shall consult with interested educators, parents, children, and representatives of the court system to develop alternative penalties for minors who purchase, possess, and consume tobacco or tobacco-related devices. The licensing authority and the interested persons shall consider a variety of options, including, but not limited to, tobacco free education programs, notice to schools, parents, community service, and other court diversion programs.

Subd. 5. **Compliance checks.** A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with section 609.685. Compliance checks must involve minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco or tobacco-related devices under the direct supervision of a law enforcement officer or an employee of the licensing authority.

Subd. 6. **Defense.** It is an affirmative defense to the charge of selling tobacco or tobacco-related devices to a person under the age of 18 years in violation of subdivision 2 or 3 that the licensee or individual making the sale relied in good faith upon proof of age as described in section 340A.503, subdivision 6.

Subd. 7. **Judicial review.** Any person aggrieved by a decision under subdivision 2 or 3 may have the decision reviewed in the district court in the same manner and procedure as provided in section 462.361.

Subd. 8. **Notice to commissioner.** The licensing authority under this section shall, within 30 days of the issuance of a license, inform the commissioner of revenue of the

licensee's name, address, trade name, and the effective and expiration dates of the license. The commissioner of revenue must also be informed of a license renewal, transfer, cancellation, suspension, or revocation during the license period.

History: 1941 c 242 s 3; 1941 c 405 s 3; 1951 c 382 s 1; Ex1959 c 73 s 2; 1973 c 123 art 5 s 7; 1982 c 572 s 2; 1997 c 227 s 4; 1Sp2001 c 5 art 7 s 63; 2010 c 255 s 7; 2010 c 305 s 4-9

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Cathy Sorensen - Congratulate and educate Participants

From: "Frazier, Collin B (DHS)" <collin.frazier@state.mn.us>
To: Cathy Sorensen <csorensen@coonrapidsmn.gov>
Date: 3/7/2014 8:13 AM
Subject: Congratulate and educate Participants
Attachments: CONGRATULATE & EDUCATE PROJECT

Cathy

Below are the twenty-seven departments DHS-ADAD currently has contracts with to conduct educational tobacco compliance checks with under the Congratulate & Educate Project. Contracts have been created for another twenty-four departments awaiting signatures and we still have to create contracts for approximately another thirty-five departments covering approximately 1,300 establishments across the state.

I hope this is helpful.

Collin

Bemidji Police Department
 Corcoran Police Department
 Coon Rapids Police Department
 Eagan Police Department
 Eveleth Police Department
 Faribault County Sheriff's Office
 Forest Lake Police Department
 Freeborn County Sheriff's Office
 Hopkins Police Department
 Hubbard County Sheriff's Office
 Isanti County Public Health
 Kanabec County Sheriff's Office
 Le Sueur County Sheriff's Office
 Long Prairie Police Department
 Mankato Department of Public
 Mounds View Police Department
 North Branch Police Department
 North Mankato Police Department
 Otter Tail County Public Health
 Pelican Rapids Police Department
 Ramsey Police Department
 Renville County Public Health Services
 Sauk Rapids Police Department
 Todd County Sheriff's Office
 Virginia Police Department
 Washington County Sheriff's Office
 Zumbrota Police Department

RESOLUTION NO. 14-57

A RESOLUTION TO ACCEPT A GRANT FOR TOBACCO EDUCATIONAL CHECKS FROM THE MINNESOTA DEPARTMENT OF HUMAN SERVICES, ALCOHOL AND DRUG ABUSE DIVISION FOR THE EDUCATE AND CONGRATULATE PROJECT

WHEREAS, the Minnesota Department of Human Services, Alcohol and Drug Abuse Division, has awarded the City of Coon Rapids a grant of \$1,960 to reimburse for tobacco educational checks as part of the Educate and Congratulate project; and

WHEREAS, Minn. Stat. § 465.03 allows cities to accept donations of real or personal property by resolution adopted by a two-thirds majority of Council; and

WHEREAS, the City Council finds the offered grant to be in the public interest.

NOW THEREFORE BE IT RESOLVED by the City Council of Coon Rapids, Minnesota that the Minnesota Department of Human Services, Alcohol and Drug Abuse Division, has awarded the City of Coon Rapids a grant in the amount of \$1,960 to reimburse for tobacco educational checks as part of the Educate and Congratulate project.

Adopted by the Coon Rapids City Council this 20th day of May, 2014.

Tim Howe, Mayor

ATTEST:

Vincent Vu, Management Analyst/Deputy Clerk



City Council Regular

7.

Meeting Date: 05/20/2014

From: Vincent Vu, Management
Analyst/Deputy Clerk

INTRODUCTION

The representative for Northern Tier Retail LLC dba SuperAmerica has notified the City of a change in their corporate officers.

DISCUSSION

Council was notified of one corporate officer change for Northern Tier Retail LLC dba SuperAmerica during the May 6, 2014 meeting. Staff was recently informed that two corporate officers had in fact changed. This memo serves as notice of the additional change.

City Code Section 5-216(6) requires that the City Council be notified of any change in legal ownership or beneficial interest of a liquor license holder. The letter advising Council of this change is attached.

Northern Tier Retail LLC dba SuperAmerica owns the following locations within the City:

- Super America #4197 - 3155 Coon Rapids Blvd
- Super America #4290 - 2015 Northdale Blvd

RECOMMENDATION

This is provided for information only.

Attachments

Northern Tier Retail Notice of Corporate Officer Change



Karla Bigham
Northern Tier Retail, LLC/SuperAmerica

April 16, 2014

To Whom It May Concern:

Enclosed are the completed forms regarding the new officers of Northern Tier Retail.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'KB', written over the word 'Sincerely,'.

Karla Bigham, Licensing Coordinator
Northern Tier Retail, LLC dba SuperAmerica

Enc



SUPPORTING DOCUMENTATION FOR LIQUOR LICENSE APPLICATION

Business Name: Northern Tier Retail LLC

Directions: This form must be filled out by the sole owner, by each partner, by each officer or director, by each manager, proprietor or other agent in charge of the premises, by each person who by combined ownership or control has an interest in a corporation or association in excess of 5%.

1. True Name:

Buhrig, Melissa Marie
Last First Middle



City Council Regular

8.

Meeting Date: 05/20/2014

Submitted For: Ryan Gunderson, Recreation Coordinator

From: Matt Stemwedel, Assistant City Manager

INTRODUCTION

Council is asked to authorize the acceptance of a \$3,700 donation from the Community Strength Foundation to help fund the two movies in the park for 2014.

DISCUSSION

On Friday, May 23rd the City will be showing Disney's "Frozen" at Sand Creek Park. The Family Fun Night begins at 6:00 p.m. with concessions, inflatable bouncers, and face painting. The movie will begin at sunset, approximately 8:30pm. This is the third year that the City has provided this fun community event with the support of the Community Strength Foundation and the North Star Lions. Each of the past events has drawn attendance in the range of 500 residents. The second movie this year will be "Despicable Me 2" and will take place on Friday, August 8th.

RECOMMENDATION

Consider Resolution 14-65 to accept a \$3,700 donation from the Community Strength Foundation to help fund the two Movie in the Park events for 2014.

Attachments

Resolution 14-65

RESOLUTION NO. 14-65
A RESOLUTION TO ACCEPT THE DONATIONS OF MONIES TO BE
USED TOWARD MOVIE IN THE PARK EVENTS
FROM THE COMMUNITY STRENGTH FOUNDATION

WHEREAS, the Community Strength Foundation has offered to donate \$3,700 to the City to be used toward the 2014 Movie in the Park events; and

WHEREAS, Minn. Stat. § 465.03 allows cities to accept donations of real or personal property by resolution adopted by a two-thirds majority of Council; and

WHEREAS, the City Council finds the offered donation to be in the public interest;

NOW THEREFORE BE IT RESOLVED by the City Council of Coon Rapids, Minnesota that the donation of \$3,700 for 2013 is hereby accepted for the 2014 Movie in the Park events.

BE IT FURTHER RESOLVED that the City of Coon Rapids hereby extends its gratitude to the Community Strength Foundation for its generosity.

Adopted by the Coon Rapids City Council this 20th day of May, 2014.

Tim Howe, Mayor

ATTEST:

Joni Anderson, Temporary City Clerk



City Council Regular

9.

Meeting Date: 05/20/2014

From: Sharon Legg, Finance Director

INTRODUCTION

A public hearing was scheduled for Cottages of Coon Creek.

DISCUSSION

The Coon Creek Senior Community Limited Partnership is requesting the City of Coon Rapids authorize the issuance of housing revenue bonds in the amount of \$2,675,000 to acquire and renovate the Cottages of Coon Creek located at 2628 110th Lane NW. The improvements will include a new roof, new appliances, water heater and the HVAC system. The Project will be transferred from Cottage Homesteads of America to the Limited Partnership.

A public hearing is scheduled for May 20, 2014. Representatives of the project will be available.

RECOMMENDATION

Staff recommends that a public hearing be held. No further action is required at this time.



City Council Regular

10.

Meeting Date: 05/20/2014

Submitted For: Mark Hansen, Assistant City Engineer

From: Cher Ridout, Admin Secretary II

INTRODUCTION

The City is proposing reconstruction of 2.5 miles of residential streets in the area north of Coon Rapids Boulevard between 101st Avenue and 103rd Avenue, and the area between Mississippi Boulevard and 84th Lane west of East River Road. Bids were received on May 13, 2014 for the improvement project. Council is requested to award a contract and adopt the assessment.

DISCUSSION

The City is proposing to reconstruct several streets and to assess a portion of the cost to adjacent property owners as part of the 2014 Street Reconstruction Program. Proposed improvements include reclaiming the existing bituminous surface and aggregate base, replacing damaged curb and gutter, sidewalk and pedestrian curb ramp improvements in accordance with ADA requirements, complete replacement of existing watermain in the Woodcrest area and other needed water and sanitary sewer utility repairs or replacements as necessary, and repairs/replacements of the existing storm sewer as needed.

A neighborhood meeting was held with interested residents on February 25, 2014. City Council held a public hearing and assessment hearing on April 1, 2014. Benefiting single-family properties are proposed to be assessed at a rate of \$1,667.00 per parcel. Assessments would be spread over a 10 year period at an interest rate of 2.7%.

Following the assessment hearing staff was contacted by a property owner contesting their assessment because they were previously assessed for a road improvement project on an adjacent roadway (corner lot). Upon investigation it was found to be accurate, and thus the final assessment roll has been updated to reflect the removal of an assessment to 10201 Sycamore Street (23-31-24-44-0031).

The bidding documents included alternate bids for differing watermain materials in the Woodcrest area. The following summary includes the base bid and the alternates chosen, which includes PVC watermain with plastic service pipes:

Contractor	Base Bid	Alternates	Total Bid
North Valley, Inc.	\$1,974,625.94	\$196,620.88	\$2,171,246.82
Park Construction Company	\$2,109,622.00	\$226,946.10	\$2,336,568.10
Engineer's Estimate	\$2,468,171.10	\$218,320.00	\$2,686,491.10

The low bidder, North Valley Inc., has completed several jobs in the City with satisfactory results. If Council awards the contract, work can begin in June. The project is anticipated to be substantially completed in the fall of 2014.

RECOMMENDATION

It is recommended the Council take the following action:

- a. Adopt Resolution No. 14-4(9) awarding a contract to North Valley, Inc. in the amount of \$2,171,246.82, which includes the base bid and alternates 2 and 4.
- b. Adopt Resolution No. 14-4(12) adopting the assessments, with the above described deletion.

BUDGET IMPACT:

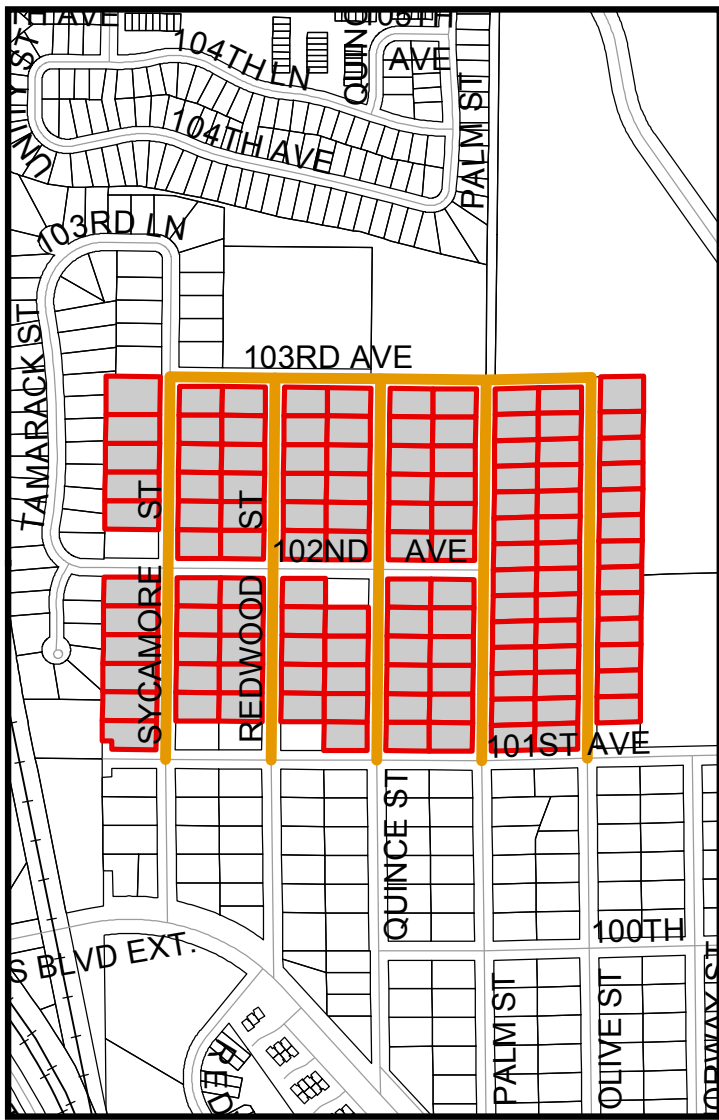
The total estimated project cost from the feasibility study was \$3,054,140.00, which included a 20% contingency and engineering services. The construction contract with North Valley, Inc., with 20% added for contingency and engineering services, is \$2,605,496.18. An amount of \$325,154 would be assessed to benefiting properties. The balance of the project costs would be recovered from the Street Reconstruction Fund (797) in the amount of \$1,028,326, \$12,672 would come from the Sanitary Sewer Fund (620), \$120,008 would come from the Storm Water Drainage Fund (740) recovered through storm drainage charges, and \$1,119,336 would come from the Water System Maintenance Fund (601) recovered through charges for water used.

Attachments

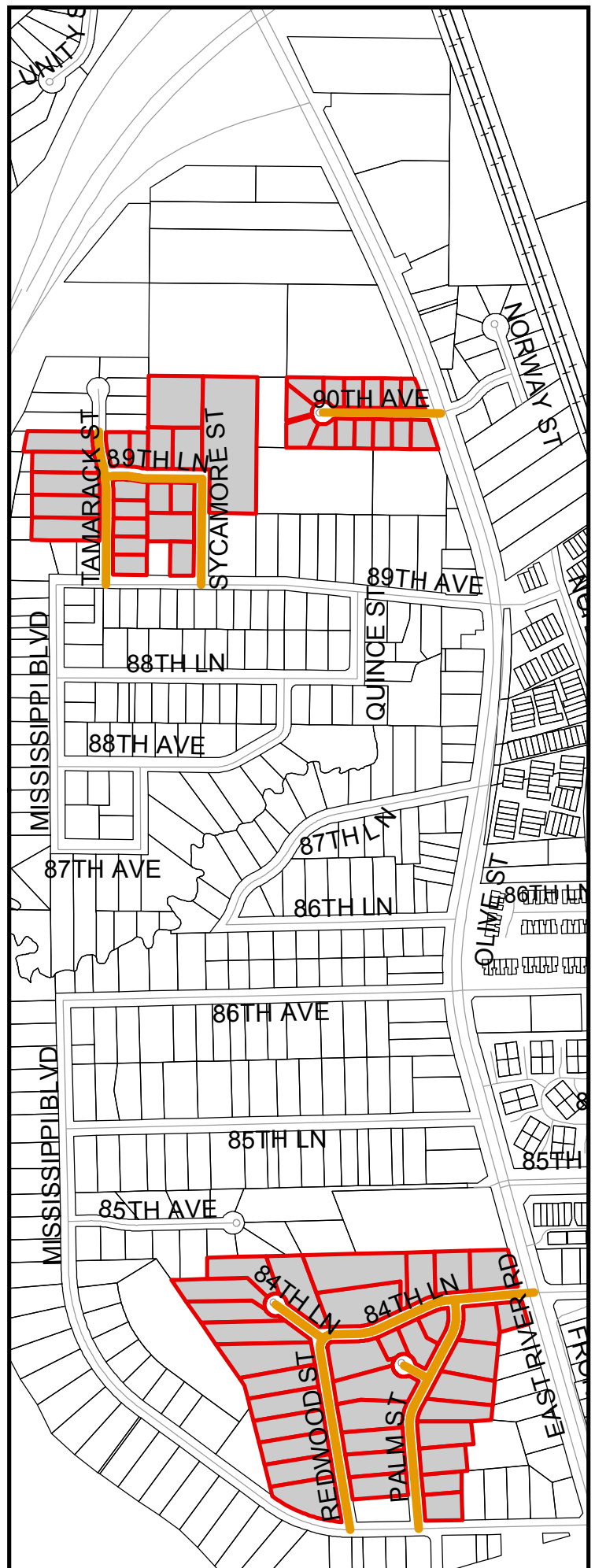
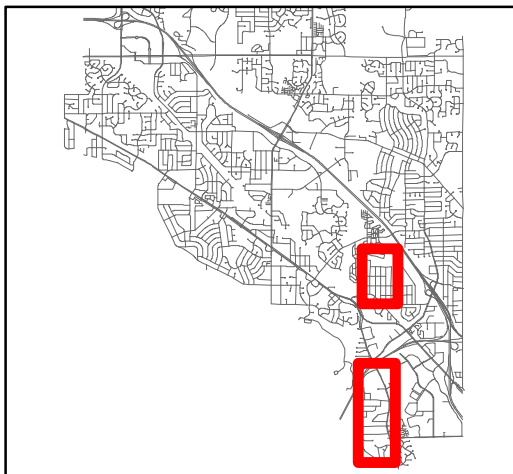
Location Map

Resolution No. 14-4(9)

Resolution No. 14-4(12)



Project 14-4
Residential Street Reconstruction
2.5 miles



RESOLUTION NO. 14-4(9)

**(9) RESOLUTION ACCEPTING BID AND
AWARDING CONTRACT**

WHEREAS, pursuant to an advertisement for bids for the improvement of residential streets in the area north of Coon Rapids Boulevard between 101st Avenue and 103rd Avenue, and the area between Mississippi Boulevard and 84th Lane west of East River Road by street reconstruction, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternates</u>	<u>Total Bid</u>
North Valley, Inc.	\$1,974,625.94	\$196,620.88	\$2,171,246.82
Park Construction Company	\$2,109,622.00	\$226,946.10	\$2,336,568.10

WHEREAS, it appears that North Valley, Inc. of Nowthen, Minnesota is the lowest responsible bidder; and

WHEREAS, the City of Coon Rapids expects to reimburse all or a portion of the project expenditures with the proceeds of debt to be incurred by the City; and

WHEREAS, this declaration is made pursuant to Section 1.103-18 of the Income Tax Regulations of the Internal Revenue Service.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota that the bid of \$2,171,246.82 by North Valley, Inc. for Coon Rapids Improvement Project 14-4 be accepted as the lowest responsible bid.

BE IT FURTHER RESOLVED that the Mayor and City Manager are hereby authorized and directed to enter into a contract with North Valley, Inc. of Nowthen, Minnesota for the improvement of residential streets north of Coon Rapids Boulevard between 101st Avenue and 103rd Avenue, and the area between Mississippi Boulevard and 84th Lane west of East River Road by street reconstruction, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next two lowest bidders shall be retained until a contract has been signed.

Adopted this 20th day of May, 2014.

Tim Howe, Mayor

ATTEST:

Vincent Vu, Management Analyst/Deputy Clerk

RESOLUTION NO. 14-4(12)

(12) RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the improvement of the area north of Coon Rapids Boulevard between 101st Avenue and 103rd Avenue, and the area between Mississippi Boulevard and 84th Lane west of East River Road by street reconstruction; and

WHEREAS, the City of Coon Rapids expects to reimburse all or a portion of the project expenditures with the proceeds of debt to be incurred by the City; and

WHEREAS, this declaration is made pursuant to Section 1.103-18 of the Income Tax Regulations of the Internal Revenue Service.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF COON RAPIDS, MINNESOTA:

1. Such proposed assessment is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefitted by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 10 years, beginning the first Monday in January, 2015 and shall bear interest at the rate of 2.7% per annum from the date of the adoption of this assessment Resolution.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Property Records and Taxation Division, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this Resolution; and the owner may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid. Such payment must be made before November 14 or interest will be charged through December 31 of the next succeeding year.
4. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Property Records and Taxation Division to be extended on the proper tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted this 20th day of May, 2014.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



City Council Regular

11.

Meeting Date: 05/20/2014

From: Scott Harlicker, Planner

INTRODUCTION

The City is requesting approval of an ordinance amendment establishing Section 11-1600 Alternative Energy Sources and Systems and regulations governing wind powered generators and solar energy systems.

DISCUSSION

At the request of the Sustainability Commission and City Council, staff and the Planning Commission have been working on drafting regulations governing the installation of wind powered generators and solar energy systems. To accommodate these regulations staff is proposing the establishment of a new section, Section 11-1600 Alternative Energy Sources and Systems. This section can be amended to include future regulations governing other alternative energy systems such as geothermal. The proposed code language is based on research and information provided by the Green Step Cities program, the American Planning Association, and similar codes in other municipalities.

Wind energy generators are allowed as an accessory structure or use that require a building permit. Wind generators in residential districts require a conditional use permit. In commercial and industrial districts building mounted wind generators are a permitted use and ground mounted require a conditional use permit. Solar energy systems are also allowed as an accessory structure or use that requires a building permit. They do not require a zoning permit. Both ordinances have a similar format and include three sections - Purpose, Permitting Process, and Performance Standards. The solar energy ordinance also includes an administrative variance section. An administrative variance procedure is included to allow variances to aesthetic, setback and height requirements to permit a property owner to meet minimum design thresholds.

Key Sections

Below are summaries of key sections of the two ordinances:

WIND GENERATORS

Abandoned Towers

The regulation on abandoned towers is similar to those governing cell towers. Abandoned or unused generators must be removed within 12 months of cessation of operation.

Access

No climbing apparatus may be located within 12 feet of the ground.

Appearance

They must be a mono pole design, white or grey with a matte or dull finish.

Electrical Code

Towers and generators must comply with all applicable electric and building codes.

Ground Clearance

The minimum distance between the ground and the blade is 15 feet.

Lighting

No lighting is allowed except as required by the FAA.

Maintenance

Towers and generators must be kept in good repair and free from rust, damaged supports or other components.

Noise

Towers and generators must comply with current noise standards.

Overall Height and Setbacks

Overall height is measured from the ground to the highest point of the blades. The maximum height varies depending on the zoning district. In residential districts the maximum height is 60 feet, in commercial it is 60 feet and industrial it is 100 feet. Height is also controlled by the setback requirement. Generators must be setback from all property lines at least 1.1 times the overall height.

Permitting Process

Generators are allowed only as an accessory structure or use and require a Building Permit. In addition to the typical information required in a Building Permit, generators require information specifically for the tower. The additional information is similar to that required for a cell tower. In addition to the Building Permit, building and ground mounted generators require a conditional use permit in a residential district; in commercial and industrial districts building mounted generators are a permitted use and ground mounted require a conditional use permit. Neither building nor ground mounted generators are allowed in Overlay or Special Districts.

Signage

No signage is allowed except for require warning and identification signs.

Generator Capacity

Staff is proposing a maximum size generator of 50KW. By most codes this size generator is considered a small system. A 50 KW generator would produce enough electricity to meet the needs of a small to medium size commercial, institutional or industrial operation. Typically a 5-15 KW generator is needed to meet the needs of a single family home.

SOLAR ENERGY SYSTEMS

Abandoned Systems

The regulation on abandoned systems is similar to those governing cell towers. Abandoned or unused generators must be removed within 12 months of cessation of operation.

Appearance

Systems must be screened from view of the nearest edge of a public right-of-way. Systems are not required to be the same color as the roof or principle structure.

Electrical Code

Systems must comply with all applicable electric and building codes.

Maintenance

Systems must be kept in good repair and free from rust, damaged supports or other components.

Height and Setbacks

Roof mounted systems must comply with the maximum height requirements in the applicable zoning district. Ground mounted systems must not exceed 15 feet in height. Ground mounted systems must meet the setbacks for accessory structures. Roof mounted systems must not extend beyond the exterior perimeter of the building.

Permitting Process

Systems are allowed only as an accessory structure or use and require a Building Permit. In addition to the typical information required in a Building Permit, applications require information specifically for the system. Solar energy systems are allowed in all zoning districts.

City Council Meeting

At the May 6th City Council meeting Council introduced the proposed ordinance. Council asked for additional information regarding noise from wind generators. Our zoning code uses Pollution Control Agency (PCA) standards for regulating nuisance noise. Those standards are 60 decibels for daytime and 50 decibels at nighttime. The proposed ordinance also uses those levels as maximum acceptable noise levels. Staff reviewed other ordinances and American Planning Association information and found that the other cities used either their existing local

nuisance levels or referenced PCA standards.

RECOMMENDATION

In Planning Case 14-08, the City Council **adopt** the proposed ordinance **approving** the the amendment establishing Section 11-1600 Alternative Energy Sources and Systems and regulations governing wind powered generators and solar energy systems.

Attachments

Ordinance

Picture 10kw turbine

Picture 50kw turbine

ORDINANCE NO.

AN ORDINANCE ESTABLISHING CHAPTER 11-1600 ALTERNATIVE ENERGY SOURCES AND SYSTEMS AND REQUIREMENTS GOVERNING WIND ENERGY CONVERSION SYSTEMS AND SOLAR ENERGY SYSTEMS AND AMENDING CHAPTER 11-200 BY ADDING DEFINITIONS RELATING TO WIND ENERGY CONVERSION SYSTEMS AND SOLAR ENERGY SYSTEMS

The City of Coon Rapids does ordain:

Section 1. Revised City Code – 1982 Sections 11-1600 and 11-1601 are hereby established as follows: (Deletions in brackets, additions double underlined)

Chapter 11-1600 Alternative Energy Sources and Systems

11-1601 Wind Energy Conversion Systems

11-1601.1 Purpose. Regulations governing wind energy systems are established to encourage opportunities for the generation of renewable wind energy in appropriate locations, while ensuring compatibility with surrounding land uses, promoting the safe, efficient and effective use of wind energy conversion systems, and protecting the public health, safety and welfare.

11-1601.2 Permitting Process.

- (1) Wind Energy Systems are only allowed as an accessory structure or use.
- (2) All Wind Energy Systems require a Building Permit. In addition to the general application information required as part of the Building Permit, the applicant must submit the following:
 - (a) Scaled schematic drawings and photographic perspectives showing the structure and placement of the Wind Energy System.
 - (b) A survey showing all structures, property lines, easements, power lines and setbacks to property lines.
 - (c) A written certification from a licensed structural engineer that the structure has the structural integrity to carry the weight, wind loads and vibration of the Wind Energy System.
 - (d) An analysis from a licensed engineer showing how the Wind Energy System must be designed, constructed and operated in compliance with applicable federal, state and local laws, codes, standards and ordinances.
 - (e) A written certification from a licensed engineer confirming that the Wind Energy System is designed to not cause electrical, radio frequency, television and other communication signal interference.
 - (f) Utility Notification: No grid-intertie Wind Energy System shall be permitted until evidence has been given to the Inspections Department that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

11-1601.3 Performance Standards. All Wind Energy Systems are subject to the following performance standards:

- (1) All Districts
 - (a) No more than one Wind Energy System is permitted on any one lot without a conditional use permit.
 - (b) Wind Energy Systems must not be located in any drainage or utility easement.
 - (c) Wind Energy Systems must be equipped with both a manual and automatic braking device capable of stopping the System's operation in high winds.
 - (d) No climbing apparatus can be located within twelve (12) feet of the ground.
 - (e) Ground mounted towers must be of a monopole design; guy wires are prohibited.
 - (f) Wind Energy Systems must be an unobtrusive color and finish such as off white or grey and a matte or similar dull finish.
 - (g) All ground mounted Wind Energy Systems must be setback from all property lines at least 1.1 times the total height of the Wind Energy System.
 - (h) For ground mounted systems, the minimum distance between the ground and the vertical length of any extensions such as the rotor blades must be fifteen (15) feet.
 - (i) Building mounted Wind Energy Systems must not exceed a total height of fifteen (15) feet and access controlled by a locked and secured door.
 - (j) The structure upon which a proposed Wind Energy System is to be mounted must have the structural integrity to carry the weight, wind loads and vibrations of the Wind Energy Systems.
 - (k) The total rated capacity of a Wind Energy System must not exceed fifty (50) kilowatts.
 - (l) Noise. Wind Energy Systems must comply with the noise standards contained in Chapter 11-1206.1
 - (m) Lighting. Wind Energy Systems must not be illuminated by artificial means, except where specifically required by the Federal aviation Administration or other state or local regulations.
 - (n) Signage. Advertising or identification on any kind on Wind Energy System is prohibited, except for applicable warning and equipment information signage.
 - (o) Maintenance. All Wind Energy Systems must be kept in good repair and free from rust, damaged supports, framework or other components.
 - (p) Electrical Wires. All electrical wires associated with a ground mounted Wind Energy System must be located within the tower and underground.
 - (q) Abandoned or Unused Towers. All abandoned or unused Wind Energy Systems must be removed within twelve (12) months of the cessation of operations unless an extension is approved by the Director. If an extension is not approved, such Wind Energy System will be deemed a nuisance and the city may act to abate such nuisance pursuant to Chapter 8-1100. After removal, the owner or operator must restore the site to its original or an improved condition.
- (2) Residential Districts and Uses.
 - (a) Building and ground mounted Wind Energy Systems may be allowed as a conditional use, subject to the provisions of chapter 11-304.3 and 11-305.
 - (b) The maximum total height of a ground mounted Wind Energy System is sixty (60) feet.
- (3) Industrial District and Uses.
 - (a) Building mounted Wind Energy Systems are allowed as a permitted accessory use.
 - (b) Ground mounted Wind Energy Systems may be allowed as a conditional use, subject to the provisions of chapter 11-304.3 and 11-305.
 - (c) The maximum total height of a ground mounted Wind Energy System is one-hundred (100) feet.
- (4) Commercial and Office Districts and Uses.

- (a) Building mounted Wind Energy Systems are allowed as a permitted accessory use.
- (b) Ground mounted Wind Energy Systems may be allowed as a conditional use, subject to the provisions of chapter 11-304.3 and 11-305.
- (c) The maximum total height of a ground mounted Wind Energy System is sixty (60) feet.
- (5) Overlay and Special Districts. Building and ground mounted Wind Energy Systems are prohibited in all Overlay and Special Districts.

Section 2 Revised City Code-1982 Section 11-1602 is hereby established as follows:

(Deletions in brackets, additions double underlined)

11-1602 Solar Energy Systems

11-1602.1 Purpose. Regulations governing solar energy systems are established to encourage opportunities for the generation of renewable solar energy in appropriate locations, while ensuring compatibility with surrounding land uses, promoting the safe, efficient and effective use of solar energy conversion systems, and protecting the public health, safety and welfare.

11-1602.2 Permitting Process.

- (1) Solar Energy Systems are only allowed as an accessory structure or use.
- (2) All Solar Energy Systems require a Building Permit. In addition to the general application information required as part of the Building Permit, the applicant must submit the following:
 - (a) A scaled horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building, or on the property for a ground-mount system, including all structures, property lines, easements, power lines and setbacks to property lines.
 - (b) Pitched-roof-mounted Systems; For all roof-mounted systems, other than a flat roof, the elevation drawings shall show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - (c) Flat-roof-mounted Systems: For flat-roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
 - (d) A written certification from a licensed structural engineer that the structure has the structural integrity to carry the weight, wind loads of the Solar Energy Systems.
 - (e) An analysis from a licensed engineer showing how the Solar Energy Systems must be designed, constructed and operated in compliance with applicable federal, state and local laws, codes, standards and ordinances.
 - (f) Utility Notification: No grid-intertie photovoltaic system shall be permitted until evidence has been given to the Inspections Department that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

11-1602.3 Performance Standards. All Solar Energy Systems are subject to the following performance standards:

(1) Certification. Solar energy systems shall be certified by Underwriters Laboratories, Inc. and the National Renewable Energy Laboratory, the Solar Rating and Certification Corporation or other body as determined by the Building Official. The City reserves the right to deny a building permit for proposed Solar Energy Systems deemed to have inadequate certification.

(2) Aesthetics. All Solar Energy Systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the Solar Energy Systems is not required to be consistent with other roofing materials. Reflection angles from collector surfaces shall be oriented away from neighboring windows when possible.

(a) Building Integrated Photovoltaic Systems – Building integrated photovoltaic systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setbacks for the district in which the building is located.

(b) Solar Energy Systems with Mounting Devices – Solar Energy Systems using roof mounting devices or ground-mount Solar Energy Systems shall not be restricted if the system is not visible from the closest edge of a public right-of-way other than an alley. Roof mounted systems that are visible from the nearest edge of the right-of-way shall not have the highest finished pitch more than five (5) percent steeper than the roof pitch on which the system is mounted, and shall be no higher than 12 inches above the roof.

(c) Coverage - Roof or building mounted Solar Energy Systems, excluding integrated systems, shall not cover more than 80% of the south facing or flat roof upon which the panels are mounted, and shall be setback from the roof edge by a minimum of one (1) foot. The surface area of a pole or ground mounted system shall not exceed half the footprint of the principal structure.

(3) Feeder lines. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid.

(4) Easements. Solar energy systems shall not encroach on public drainage, utility, roadway or trail easements.

(5) Setbacks. Ground-mounted Solar Energy Systems including any appurtenant equipment must meet the accessory structure setback requirement and placement limitations for the district in which it is installed. Roof-mounted systems shall not extend beyond the exterior perimeter of the building on which the system is mounted. Exterior piping for hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

(6) Height. Roof-mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district. Ground-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.

(7) Commercial. All Solar Energy Systems shall be limited to the purpose of on-site energy production, except that any additional energy produced above the total onsite demand may be sold to the operator's regular electrical service provider in accordance with any agreement provided by the same.

(8) Abandoned or Unused Systems. All abandoned or unused Solar Energy Systems must be removed within 12 months of the cessation of operations unless an extension is approved by the Director. If an extension is not approved, such Solar Energy Systems will be deemed a nuisance and the city may act to abate such nuisance pursuant to Chapter 8-1100. After removal, the owner or operator must restore the site to its original or an improved condition.

11-1602.4 Administrative Variance. Where the standards in Sections 11-1602.3(2), (5) and (6) cannot be met without diminishing, as defined below, the minimum reasonable

performance of the Solar Energy Systems, an administrative variance may be sought from the Director. An administrative variance shall be granted if the administrative variance standards are met.

(1) Minimum Performance Design Standards – The following design thresholds are necessary for efficient operation of an Solar Energy Systems.

(a) Fixed Mount Solar energy Systems – Solar Energy Systems must be mounted to face with 45 degrees of south (180 degrees azimuth)

(b) Solar Electric (photovoltaic) systems must have a pitch that is within 20 degrees of latitude, a pitch of between 20 and 65 degrees

(c) Solar Hot Water Systems – Solar collectors need to be mounted at a pitch between 40 and 60 degrees.

(2) Standards for an Administrative Variance – A variance shall be granted if the applicant demonstrates that the following safety, performance and aesthetic conditions are met.

(a) Safety Conditions – All applicable health and safety standards are met.

(b) Ground Mounted Systems – Pole mounted or ground mounted Solar Energy Systems must be set back from the property line by one foot and shall not encroach on public drainage, utility, roadway or trail easements.

(c) Aesthetic Conditions – The Solar Energy Systems must be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys to the maximum extent possible while still allowing the system to be mounted for efficient performance.

Section 3 Revised City Code-1982 Section 11-200 is hereby amended as follows:

(Deletions in brackets, additions double underlined)

Abandoned – To discontinue the use or activity intentionally and without the intent to resume. When the use or activity has ceased or the property has been vacant for 12 months, abandonment will be presumed unless the owner can show that a diligent effort has been made to sell, rent or use property for a legally permissible use. Temporary interruptions during periods of remodeling, maintaining or otherwise improving the facility are not grounds for a determination of abandonment.

Active Solar Energy System - A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Building-integrated Solar Energy Systems - An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Building-mounted Solar Energy System - A solar energy system affixed to a principal or accessory building

Freestanding Solar Energy System - A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure. Garages, carports or similar structures that incorporate building-integrated or building-mounted

solar energy systems shall not be classified as freestanding solar energy systems and shall instead be subject to regulations governing accessory structures.

Grid-intertie Solar System - A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

Photovoltaic System - An active solar energy system that converts solar energy directly into electricity.

Solar Collector Surface - Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar Energy System - A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.

Wind Energy Conversion System – A device, such as a wind generator, along with associated control or electronics and support structures, that convert wind energy to electrical energy with a total rated capacity not exceeding fifty (50) kilowatts. The device must be a single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for onsite consumption.

Wind Energy Conversion System, Total Height – The highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy System, or, on building mounted systems, measured from the point where the system is attached to the building.

Introduced this 6th day of May, 2014.

Adopted this 20th day of May, 2014.

Tim Howe, Mayor

ATTEST:

Vincent Vu, Management Analyst/Deputy Clerk



allrun.en.alibaba.com





City Council Regular

12.

Meeting Date: 05/20/2014

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting final plat approval for Lawrence Estates. The plat includes 10 single family lots on the north and south side of 128th Avenue, west of Coon Creek Boulevard.

DISCUSSION

The applicant owns 17.2 acres on the south side of 128th Avenue and 2.9 acres on the north side. They are proposing to plat six lots along the south side of 128th street and four lots on the north side. Much of the property on both sides of 128th Avenue is wetland and floodplain. Wetland and flood plain mitigation will be required to make eight of the lots buildable. All of the lots front on 128th Avenue to minimize the amount of mitigation required. Sewer and water are located under 128th Avenue and are available to the proposed lots. The final plat is consistent with the approved preliminary plat.

The applicant has been working with the Coon Creek Watershed on wetland and floodplain mitigation. As a result of those discussions and soil borings, two lots were eliminated from the north side of 128th Avenue resulting in the four lots as proposed. Successful implementation of the mitigation plans should be a condition of approval.

Park dedication for 10 lots in the amount of \$20,000 (\$2,000 x 10 lots) is required prior to releasing the plat for recording.

RECOMMENDATION

In Planning Case 13-26, the City Council approve the final plat for Lawrence Estates with the following conditions:

1. One street tree per lot is planted prior to issuance of a Certificate of Occupancy.
2. The applicant implement all requirements and conditions of the wetland and floodplain mitigation permits.
3. All comments of the City Engineer be addressed.
4. Park dedication in the amount of \$20,000 be paid prior to releasing the plat for recording.
5. Execution of a development agreement with the City.

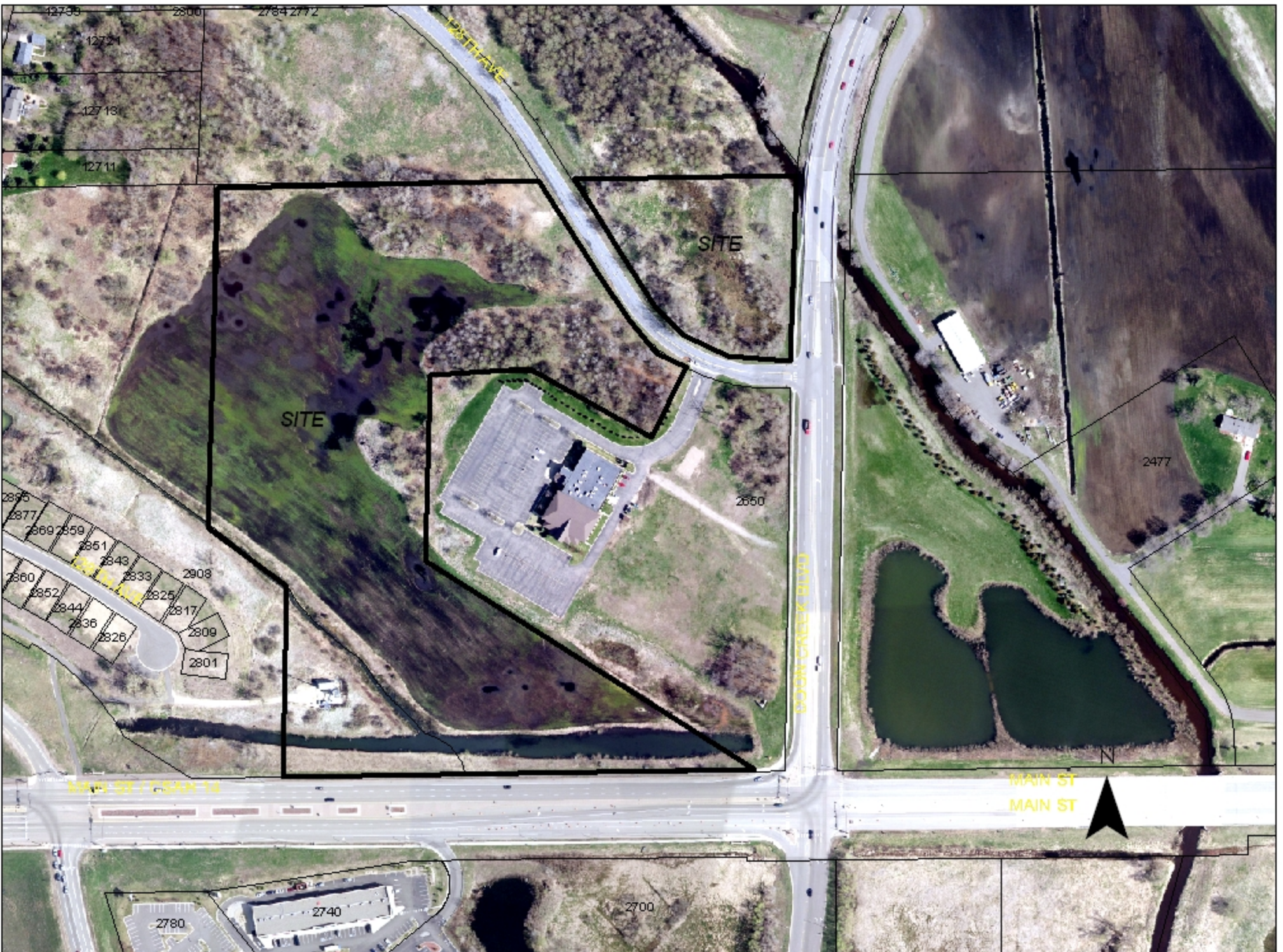
Attachments

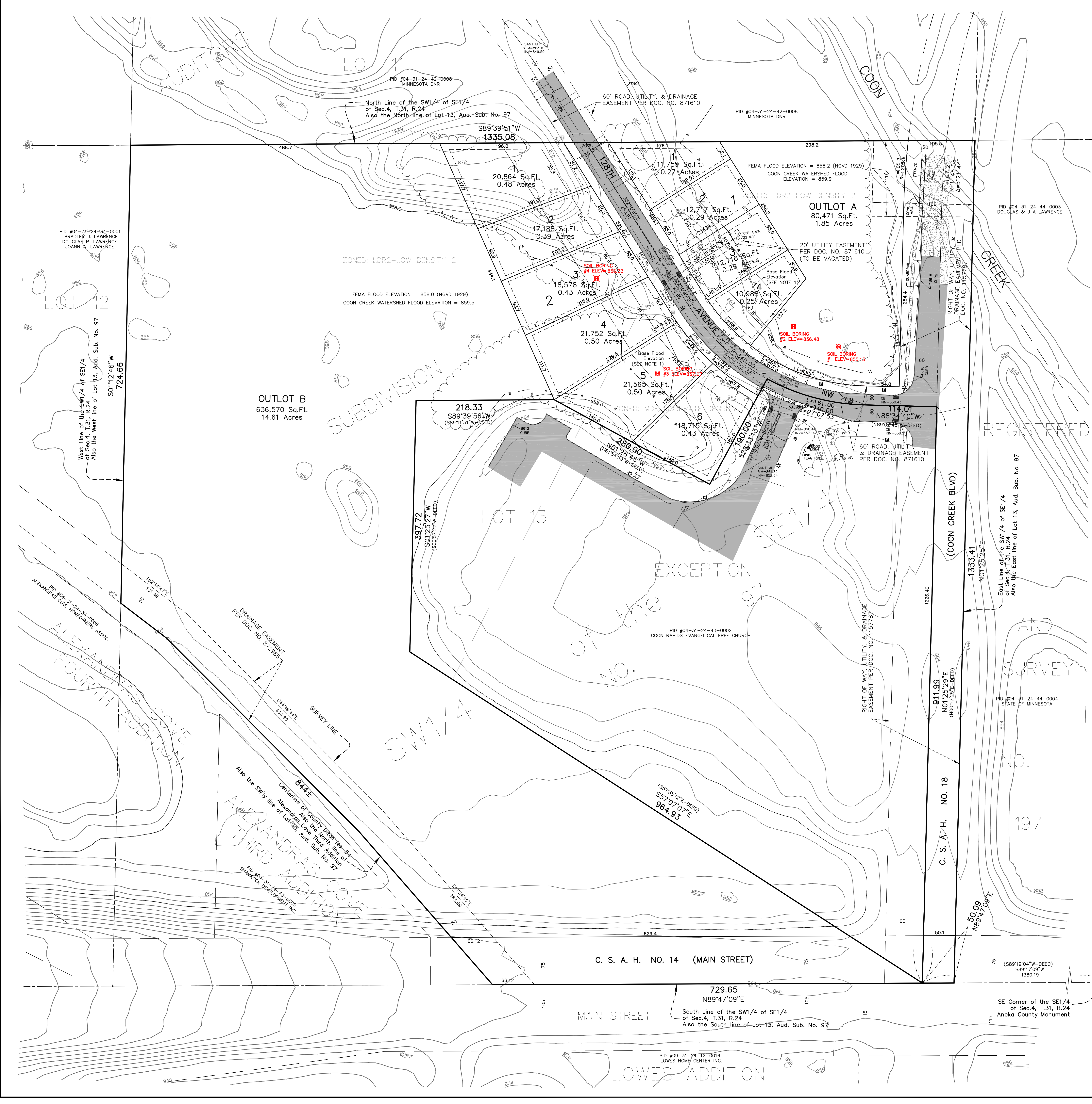
Location Map

Preliminary Plat

Final Plat

Location Map





DESCRIPTION OF PROPERTY

The Southwest Quarter of the Southeast Quarter of Section 4, Township 31, Range 24, Anoka County, Minnesota.

EXCEPT

That part of the Southwest Quarter of the Southeast Quarter of Section 4, Township 31, Range 24, Anoka County, Minnesota, described as follows:

Beginning at a point on the south line of said Southeast Quarter distant 1380.19 feet westerly of the southeast corner thereof, for the purposes of this description said south line is assumed to bear South 89 degrees 19 minutes 04 seconds West; thence North 0 degrees 57 minutes 25 seconds East a distance of 911.99 feet; thence North 89 degrees 02 minutes 45 seconds West a distance of 114.01 feet; thence northwesterly a distance of 161.00 feet along a tangential curve concave to the northeast, having a radius of 340.00 feet and a central angle of 27 degrees 07 minutes 53 seconds; thence South 28 degrees 05 minutes 08 seconds West, not tangent to said curve, a distance of 190.00 feet; thence North 61 degrees 54 minutes 53 seconds West a distance of 280.00 feet; thence South 89 degrees 11 minutes 51 seconds West a distance of 218.33 feet; thence South 0 degrees 57 minutes 22 seconds West a distance of 397.72 feet; thence South 57 degrees 35 minutes 12 seconds East a distance of 964.93 feet to the point of beginning. (Also being part of Lot 13, AUDITOR'S SUBDIVISION NO. 97).

ALSO EXCEPT

ALEXANDRAS COVE THIRD ADDITION, according to said plot on file and of record in the office of the County Recorder, Anoka County, Minnesota.

DESCRIPTION OF PUBLIC UTILITY EASEMENT PER DOCUMENT NO. 871610 TO BE VACATED:

A strip of land 20.00 feet wide, the centerline of said strip being described as follows:

Commencing at the southeast corner of the Southeast Quarter of Section 4, Township 31 North, Range 24 West of the 4th Principal Meridian, Anoka County, Minnesota; thence South 89 degrees 19 minutes 04 seconds West along the south line of said Southeast Quarter for 1380.19 feet; thence North 0 degrees 57 minutes 25 seconds East for 911.99 feet; thence North 89 degrees 02 minutes 45 seconds West for 114.01 feet; thence northwesterly a distance of 334.64 feet along a tangential curve concave to the northeast, having a radius of 340.00 feet and a central angle of 56 degrees 23 minutes 35 seconds; thence North 32 degrees 39 minutes 00 seconds West for 48.86 feet to the point of beginning of the centerline to be described; thence North 57 degrees 21 minutes 00 seconds East for 130.00 feet and said centerline there terminating.

NOTES:

- The property lies within Zone A3, Zone A4, Zone B, and Zone C per FEMA Firm Panel H84-0 Community No. 270011A dated March 15, 1977. The base flood elevation for Zone A3 effecting the portion of property lying South of 128th Avenue NW is 858.0 (NGVD 1929). The base flood elevation for Zone A4 effecting the portion of property lying North of 128th Avenue NW is 858.2 (NGVD 1929).
- The existing contour data as shown is LIDAR contours obtained from the Minnesota Department of Natural Resources and field survey along 128th Avenue NW.
- Wetlands were delineated by others.
- Property includes PID No. 04-31-24-43-0003 & PID No. 04-31-24-43-0004.
- Coon Creek Watershed Flood Elevations as shown are based on current Atlas 14 Model.

VICINITY MAP

SECTION 4
TOWNSHIP 31 NORTH
RANGE 24 WEST

TYPICAL LOT

REAR DRAINAGE & UTILITY EASEMENT 5 FT.
MINIMUM LOT DEPTH 135 FT.
REAR YARD SETBACK 35 FT.
SIDE DRAINAGE & UTILITY EASEMENT 5 FT.
LOT AREA - MINIMUM INTERIOR 10,800 sq. ft.
SIDE YARD SETBACK HOUSE 10 FT., GARAGE 5 FT. (attached)
CORNER 20 FT. (side yard street)
FRONT DRAINAGE & UTILITY EASEMENT 10 FT. ALSO ADJOINING STREET LINES (FROM REAR SIDES)
FRONT YARD SETBACK 35 FT. or as noted
E STREET
DRIVEWAYS SHALL BE LOCATED A MINIMUM OF 60 FEET FROM INTERSECTIONS

Municipality:	City of Coon Rapids	Building Setbacks:	Front: 35 feet Rear: 35 feet Side: 20 feet (street) 10 feet (house) 5 feet (attached garage)
Existing Zoning:	(LDR-2) Low-Density Residential (MDR) Moderate-Density Residential	Lot Summary:	Number of Lots: 10 Single Family Residential 2 Outlots
Proposed Zoning:	(LDR-2) Low-Density Residential	Owner/Subdivider:	Douglas P. Lawrence JoAnn A. Lawrence Bradley J. Lawrence (Lawrence Properties 1, LLC) 2477 Main Street NW Coon Rapids, MN 55448 (763) 755-4930
Proposed Use:	Single Family Residential	Designer/Surveyor:	Hakanson Anderson Assoc. 3601 Thurston Avenue Anoka, MN 55303 (763) 427-5860
Watershed District:	Coon Creek Watershed District		
Road Mileage:	none		
Street Lighting:	as required		
Proposed Utilities:	Sewer: Municipal (available) Water: Municipal (available)		
Plot Area:	Total Area: 1,059,588 sq. ft. = 24.32 acres Proposed ROW: 175,704 sq. ft. = 4.03 acres Park Area: 0 sq. ft. = 0.00 acres Easement: 0 sq. ft. = 0.00 acres Ponding: 0 sq. ft. = 0.00 acres		

LEGEND

- = DENOTES EXISTING SURFACE CONTOUR
- = DENOTES IRON MONUMENT FOUND
- = IRON MONUMENT SET AND MARKED WITH LICENSE NO. 18420.
- = SIGN
- = TELEPHONE PEDESTAL
- = ELECTRIC TRANSFORMER
- = GATE VALVE
- = SANITARY SEWER MANHOLE
- = HYDRANT
- = STORM SEWER MANHOLE
- = CATCH BASIN
- = LIGHT
- = DENOTES WATER LINE
- = DENOTES SANITARY SEWER LINE
- = DENOTES STORM SEWER LINE
- = DENOTES DELINEATED WETLAND (BY OTHERS)

Preliminary Plat of LAWRENCE ESTATES for LAWRENCE PROPERTIES 1, LLC

Hakanson Anderson

3601 Thurston Avenue, Anoka, Minnesota 55303
763-427-5860 FAX 763-427-0520
www.hakansonanderson.com

DESIGNED BY BRP
DRAWN BY BRP
CHECKED BY CAC
DATE 08/16/13
SCALE 1"=40'
FILE NO. 3796.01

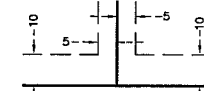
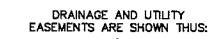
REVISION

DATE	REVISION
10/30/13	EASEMENT WIDTH, ADD BUILDING PAD
12/27/13	REMOVE LOTS 5 & 6, BLOCK 17 ADJUST FROM SETBACK TO 25'
12/27/13	REMOVE LOTS 5 & 6, BLOCK 17 ADJUST FROM SETBACK TO 35'
12/27/13	EXISTING ZONING, ADD OWNER INFO, FRONT SETBACK TO 35'

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Surveyor under the laws of the State of Minnesota.

Charles R. Christopher
Charles R. Christopher
Date: 8/29/13 Lic. No. 18420

SHEET NUMBER
1



(NOT TO SCALE)

Being 10.00 feet in width and adjoining all right of way lines unless otherwise shown on this plat and being 5.00 feet in width and adjoining all side and rear lot lines unless otherwise shown on this plat



City Council Regular

13.

Meeting Date: 05/20/2014

From: Mark Hansen, Assistant City Engineer

INTRODUCTION

The existing frontage road located on the south side of Coon Rapids Boulevard between Drake Street and Avocet Street has deteriorated to the extent where periodic maintenance is no longer cost effective. Due to the vacant land located directly adjacent to the frontage road, and the planned master development of PORT Riverwalk, use of the roadway is generally limited to minor local traffic and Metro Transit buses that exit Coon Rapids Blvd for stops between Drake Street and Avocet Street.

DISCUSSION

The existing frontage road pavement surface has been rated very poor on the City's road rating scale for several years. The road has degraded to the point where complete reconstruction is required, but due to pending redevelopment plans for PORT Riverwalk, this frontage road is likely to be reconfigured or realigned consistent with the approved master plan.

City staff intends to work with Metro Transit officials to define alternative bus stop locations directly off of Coon Rapids Boulevard; there is currently a High Occupancy Vehicle (HOV) lane designated in this area. Staff will also coordinate with the nearby nursing home to minimize impacts to any affected residents. Additionally, staff will coordinate with the school district to ensure school bus routes are not affected by the road closure.

The road will be closed with barricades provided by the City Public Works Department. City Public Works staff will monitor the barricades to ensure they remain in place. The road will be closed indefinitely, or until infrastructure to support the PORT Riverwalk redevelopment is constructed.

RECOMMENDATION

It is recommended that Council direct staff to coordinate the closure of the frontage road between Drake Street and Avocet Street with affected agencies and property owners in the area. Staff will inform the Council of any issues or concerns brought up by affected parties, and will notify Council prior to implementing the closure.

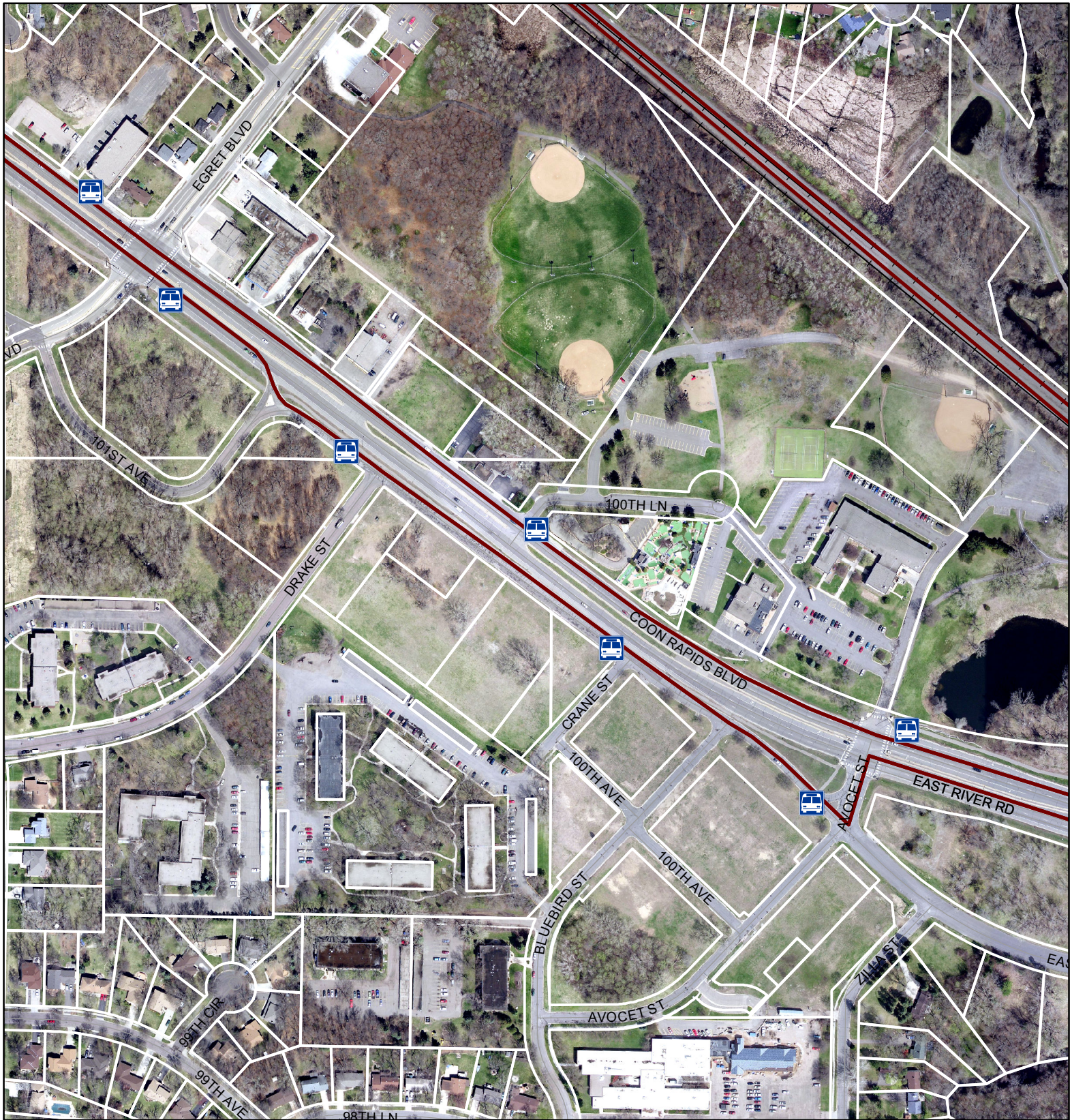
BUDGET IMPACT:

The closure of the Coon Rapids Boulevard frontage road between Drake Street and Avocet Street will reduce the City's short and long term maintenance responsibilities for this segment of roadway.

Attachments

Frontage Road Closure Graphic

Coon Rapids Blvd Frontage Road Closure Request



Legend



Existing Bus Stops



Existing Bus routes





City Council Regular

14.

Meeting Date: 05/20/2014

From: Kristin DeGrande, Neighborhood
Coordinator

INTRODUCTION

City staff has denied Bill and Tami Revering's request for a rental license at their property at 10673 Grouse Street NW. The Revering's are appealing Staff's decision.

DISCUSSION

Tami and Bill Revering came in to City Hall to apply for a rental license on April 17, 2014. Along with their application, they also submitted information regarding Tami's felony conviction. Based upon this information, the Coon Rapids Police Department did not pull a criminal background check for this applicant but did confirm the felony conviction disqualifying the Reverings from being issued a rental license for their property at 10673 Grouse Street NW. According to City code 12-904, all new rental property owners must fill out and submit criminal background investigation forms as part of their rental license application.

A background check crime as defined in Minnesota Statutes Section 299C.67, subd. 2 (the "Koskinen Law") means: a felony violation of section 609.185 (first degree murder); 609.19 (second degree murder); 609.20 (first degree manslaughter); 609.221 (first degree assault); 609-222 (second degree assault); 609.223 (third degree assault); 609.25 (kidnapping); 609.342 (first degree criminal sexual conduct); 609.343 (second degree criminal sexual conduct); 609.344 (third degree criminal sexual conduct); 609.345 (fourth degree criminal sexual conduct); 609.561 (first degree arson); or 609.749 (stalking). Keep in mind that in criminal law a First Degree conviction is more serious than a Second or Third Degree conviction.

The Koskinen Law was created to protect the safety of tenants. Under this law, no person with a background check crime as listed above would be allowed to have access into a tenant's home. The intention of applying the standards established through the Koskinen Law to not only property managers but also to rental property owners who often serve as the property manager, is to ensure tenants' safety in Coon Rapids.

On November 10, 2010, Tami Revering was arrested by Coon Rapids Police for assaulting a four month old child with whom she was babysitting and left in her care. She was subsequently convicted of a First Degree Assault for her actions. This conviction is grounds for denial of a rental license in Coon Rapids (City code 12-916). Likewise, through the Koskinen Law, this conviction would make the Reverings ineligible to be a property manager in the State of Minnesota.

On April 17, 2014, a letter was sent to the Reverings denying their application for a rental license. Their entire original check for their rental application fees was returned to them.

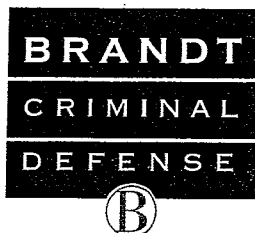
The Reverings' attorney submitted a written appeal to City Staff's decision on April 29, 2014 and requested their case be heard at the May 20, 2014 City Council meeting.

RECOMMENDATION

Staff recommends the City Council affirm the denial of a rental license to Bill and Tami Revering, property owners of 10673 Grouse Street NW.

Attachments

Appeal 10673 Grouse St NW



2150 THIRD AVENUE NORTH, SUITE 210 • ANOKA, MINNESOTA 55303
PHONE 763.421.6366 • FAX 763.433.8570 • WWW.BRANDTDEFENSE.COM

Hand Delivered

April 28, 2014

Steve Gatlin
Coon Rapids City Manager
11155 Robinson Drive NW
Coon Rapids, Minnesota 55433

RE: 10673 Grouse St NW

Dear Mr. Gatlin:

I am writing on behalf of Bill and Tami Revering who had applied for a rental license for a property located at 10673 Grouse Street NW in Coon Rapids. On April 17, 2014 a letter was sent to the Reverings notifying them that the City had denied their application for a rental license.

While the Reverings have not received a direct copy of the letter from the City, their real estate agent did provide them with a copy of the letter which was received on April 21, 2014.

Pursuant to Coon Rapids City Code 12-916(6), please accept this letter as notice of appeal of the denial of the rental license.

It is my understanding that a hearing shall be scheduled in front of the City Council at a public meeting. Please be advised that I intend to represent the Reverings at that hearing and will be presenting evidence and witnesses in support of the Reverings.

If you would be so kind as to notify me as soon as possible as to the date and time of the hearing, I would appreciate it as there are numerous people I need to notify for attendance at the hearing.

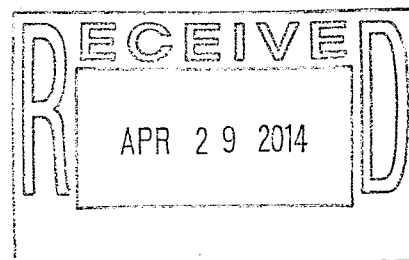
If you have any questions regarding anything contained herein, please do not hesitate to contact me.

Very truly yours,


Michael J. Brandt

MJB/kak

copy: David J. Brodie, Coon Rapids City Attorney
Bill and Tami Revering



11155 Robinson Drive
Coon Rapids MN 55433
Tel 763-755-2880
Fax 763-767-6491
www.coonrapidsmn.gov



April 30, 2014

Michael Brandt
Brandt Criminal Defense
2150 Third Avenue North
Anoka, MN 55303

RE: 10673 Grouse Street-Appeal of Bill and Tami Revering

Dear Mr. Brandt:

I am receipt of your letter dated April 28, 2014. Please note that the Reverings' appeal of the denial of the their rental license will be held at Coon Rapids City Council Meeting on Tuesday, May 20, 2014, at 7:00 p.m. Council Meetings are held at the Coon Rapids City Hall, 11155 Robinson Drive, Coon Rapids.

The hearing will be conducted pursuant to Coon Rapids City Code 12-916(4) and that the decision of the City Council is final.

If you have any questions, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Brodie", written in a cursive style.

David Brodie
City Attorney

cc: Kristen DeGrande



Welcome to the Web site of

Anoka County
Minnesota

Property Details

Parties

Property ID	22-31-24-14-0107	Situs Address	10673 GROUSE ST NW , COON RAPIDS, MN 55433-0000
-------------	------------------	---------------	---

Parties					
Role	Percent	Name	Address	Since	To
Mortgage Company	100.00	US BANCORP SERVICE PROVIDERS	6053 S FASHION SQ DR, MURRAY, UT 84107 UNITED STATES	02/27/2014	Current
Owner	100.00	BILL J REVERING	10673 GROUSE ST NW, COON RAPIDS, MN 55433-0000 UNITED STATES	10/21/2005	Current
Owner	100.00	TAMI R REVERING	10673 GROUSE ST NW, COON RAPIDS, MN 55433-0000 UNITED STATES	10/21/2005	Current
Taxpayer	100.00	BILL J REVERING	10673 GROUSE ST NW, COON RAPIDS, MN 55433-0000 UNITED STATES	10/21/2005	Current

Developed by Manatron, Inc.

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Version 1.0.4581.14247



 **COPY**

April 17, 2014

Bill and Tami Revering
1136 5th Ave
Anoka, MN 55303

Re: 10673 Grouse St

On April 16, 2014 the City of Coon Rapids received a rental application for the above property. The background check as required by Minnesota State Statute 299C.67-69 disqualified you from obtaining a rental license in the City of Coon Rapids due to felony charges. (Coon Rapids City Code Section 12-916)

It is the responsibility of the owner of address to notify the tenants of the need to vacate the property. The property must be vacant by June 1, 2014. If the property remains occupied by anyone other than the owner after that date, this matter may be referred to the City Attorney's Office for consideration of criminal charges. In addition, you may be subject to the penalties as described in City Code Section 12-900. Please disregard this paragraph if the property is vacant.

You have the right to appeal in writing to the City Manager's Office within 7 days of receiving notice. Your check (#3419) for \$545 is enclosed.

Please contact me if you have any questions I will be happy to assist you.

Sincerely,



Michelle Posch
Housing Official
City of Coon Rapids
763-767-6575
mposch@coonrapidsmn.gov

cc: ✓ Elizabeth Sibert, Agent
Dave Brodie, City Attorney

2012 Minnesota Statutes

299C.67 DEFINITIONS.

Subdivision 1. **Terms.** The definitions in this section apply to sections 299C.66 to 299C.71.

Subd. 2. **Background check crime.** "Background check crime" means:

(a)(1) a felony violation of section 609.185 (first-degree murder); 609.19 (second-degree murder); 609.20 (first-degree manslaughter); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.25 (kidnapping); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.561 (first-degree arson); or 609.749 (stalking);

(2) an attempt to commit a crime in clause (1); or

(3) a conviction for a crime in another jurisdiction that would be a violation under clause (1) or an attempt under clause (2) in this state; or

(b)(1) a felony violation of section 609.195 (third-degree murder); 609.205 (second-degree manslaughter); 609.21 (criminal vehicular homicide and injury); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.255 (false imprisonment); 609.52 (theft); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or a nonfelony violation of section 609.749 (stalking);

(2) an attempt to commit a crime in clause (1); or

(3) a conviction for a crime in another jurisdiction that would be a violation under clause (1) or an attempt under clause (2) in this state.

Subd. 3. [Repealed, 2009 c 59 art 6 s 25]

Subd. 4. **Manager.** "Manager" means an individual who is hired or is applying to be hired by an owner and who has or would have the means, within the scope of the individual's duties, to enter tenants' dwelling units. "Manager" does not include a person who is hired on a casual basis and not in the ongoing course of the business of the owner.

Subd. 5. **Owner.** "Owner" has the meaning given to "landlord" in section 504B.001, subdivision 7. However, "owner" does not include a person who owns, operates, or is in control of a health care facility or a home health agency licensed by the commissioner of health or human services under chapter 144, 144A, 144B, or 245A, or a board and lodging establishment with special services registered under section 157.17.

Subd. 6. **Superintendent.** "Superintendent" means the superintendent of the Bureau of Criminal Apprehension.

Subd. 7. **Tenant.** "Tenant" has the meaning given to "residential tenant" in section 504B.001, subdivision 12.

History: 1995 c 226 art 4 s 14; 1996 c 408 art 10 s 7; 1999 c 199 art 2 s 7, 8; 2001 c 7 s 62; 2010 c 299 s 14



Property Report

Report Date: 5/13/2014

PROPERTY ADDRESS: 10673 GROUSE ST

PIN: 223124140107

Work Order #56238

New Rental

OPEN

<u>Task Name</u>	<u>Projected Start</u>	<u>Actual Start</u>	<u>Assigned To</u>	<u>COMMENTS</u>
APPLICATIONS		4/17/14	POSCH, MICHELLE	RECD
CONVERSION FEE RCVD		4/17/14	POSCH, MICHELLE	RETURNED \$545 CK NO 3419 WITH LETTER DENYING LICENSE
LICENSE DENIED		4/17/14	POSCH, MICHELLE	LICENSED DENIED PER OFFICER DES TONINATO FOR FIRST DEGREE ASSAULT. LETTER SENT WITH COPY OF STATE STATUTE TO OWNER, AGENT, DAVE BRODIE.

Files attached to this work order:

\\WorkOrder\56238\20140417135439176.pdf
\\WorkOrder\56238\20140417141738597.pdf

End of Report for 10673 GROUSE ST



Item 1

Page 1 of 2

Rental License Application

For office use only:

License No. 56338

PID No. _____

RENTAL ADDRESS

COMPLEX NAME:
(if multi-family)

RENTAL ADDRESS:

10673 Grouse St NW Coon Rapids MN 55433

DWELLING UNIT INFORMATION

Type of dwelling: ☐ single family ☒ twin home
☐ townhome ☐ apartment

of buildings: 1

total # of units: 1

RENTAL PROPERTY OWNER INFORMATION

OWNER NAME:

Tami and Bill Revering

DATE OF BIRTH:

Tami 9-20-81

PHONE:

763-498-1831

ADDRESS:

1136 5th Ave

CITY:

Anoka

STATE:

MN

ZIP:

55303

EMAIL ADDRESS: tami.revering@gmail.com

MANAGER CONTACT INFORMATION (if other than owner)

CONTACT NAME:

Elizabeth Sibet

DATE OF BIRTH:

Minneapolis

PHONE:

763-221-9397

ADDRESS:

1350 Lagoon Ave #900

CITY:

Minneapolis

STATE:

MN

ZIP:

55408

EMAIL ADDRESS: elizabethsibet@kw.com

The undersigned hereby applies for a rental dwelling license and acknowledges receipt of a copy of City Ordinance Chapter 12-900; acknowledges the provisions of the Building Maintenance and Occupancy Code have been reviewed; and attests the subject premises will be operated and maintained according to the requirements contained therein, subject to applicable sanctions and penalties. The undersigned further agrees the subject premises may be inspected by the compliance official as provided in Chapter 12-900 of said ordinance. The undersigned hereby certifies that the above information is true and correct to the best of their knowledge:

Applicant Signature:

Tami R. Revering

Date:

4-16-14

Your property must pass a City of Coon Rapids rental property inspection conducted by a Housing Inspector before a rental license is issued. An inspection time will only be scheduled after Neighborhood Reinvestment Division staff have received and reviewed all five items listed on the 'Licensing of Rental Property Application Checklist.'

Rental property inspections are performed Monday thru Friday 7:00 a.m. and 5:30 p.m.

Item 1

Page 2 of 2

Rental License Application

Applicant must initial each section and sign at the bottom.

By initialing each section you are acknowledging an understanding of key provisions of City Ordinance Chapter 12-900 regarding the Licensing of Rental Property.

1. TR I understand that by owning rental property in Coon Rapids, I am operating a business in a residential zone of the city.
2. TR I have received a copy of City Ordinance Chapter 12-900, Licensing of Rental Dwellings, and understand I am subject to the requirements contained therein.
3. TR I or my manager has attended or is scheduled to attend a *Crime Free Rental Housing Phase 1* training or its equivalent (12-915).
4. TR I understand the rental property must pass a rental property inspection conducted by a City Housing Inspector, and must continue to maintain the property accordance with provisions of 12-914.
5. TR I understand I must screen all potential tenants by using a written rental application which contains sufficient information to conduct a Criminal Background check and a Credit History check (12-903).
6. TR I must use a written lease for all tenants (12-903).
7. TR In addition to a written lease, I understand my tenants must also sign a "Lease Addendum for Crime-Free/Drug-Free Housing" (12-903).
8. TR I understand the City will conduct a Criminal Background Investigation on the Property Owner consistent with the provisions of 12-904.
9. TR I understand I must provide 24 hour contact information for a person who resides within the twin city metropolitan service area who is responsible for code compliance of the rental property. This person will be either the owner or manager of the property (12-903).
10. TR I understand the City Manager may deny or not renew a license and the City Council may revoke or suspend a rental license for failure to address any tenant or property issues as provided for in 12-916.
11. TR In addition to any other sanctions or administrative penalties, it is a Misdemeanor to operate a rental dwelling in the City without a license for each building (12-921).
12. TR I understand my rental license is not transferrable (12-905).
13. TR I understand my rental license must be renewed annually (12-907).

The undersigned acknowledges that this is a partial listing of provisions within City Ordinance Chapter 12-900, and that a complete understanding of the ordinance can only be had by thoroughly reading it in its entirety. The purpose of providing this list is to address questions frequently asked by license applicants.

Applicant Signature: _____

Barclay R. Bowerly

Date: _____

4-16-14

WO# 56738



Item 2

Page 1 of 2

LICENSING OF RENTAL PROPERTY Criminal Background Investigation Form

12-904 Requires a criminal background investigation be conducted on the Property Owner listed on the Rental License Application. If the property is owned by more than one individual the City may request additional information from the license applicant regarding all Property Owners.

Rental Property Address(es): 10673 Grouse St. NW 55433

Tammi Rose Revering _____
First Middle Last Name Date of Birth

Home Address _____ City _____ State _____ Zip Code _____

763-498-1830
Daytime Phone Number

Have you ever been convicted of a crime; Felony, Gross Misdemeanor or Misdemeanor? ☒ Yes
☐ No

If yes, list the location, nature of the offense, and the disposition: _____

Coon Rapids 1st Degree Felony Assault; please see additional info.

I understand that the City has the need to investigate my background and history in order to better evaluate my rental license application. I authorize any law enforcement official and any other person to furnish information regarding my criminal background to the City, and to permit the City to inspect and make copies of any such information. I further authorize any such persons to answer any questions concerning my criminal background. I fully understand that the information so obtained by the City may be used in the evaluation of my rental license application.

I hereby release any person who complies with this authorization and provides information from any and all liability for having done so.

DATE: 4-16-14

SIGNATURE: Tammi R. Revering

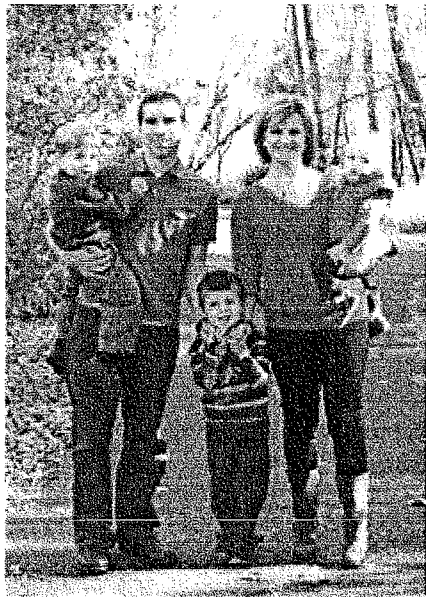
For office use only:

Date Received _____

- ☐ Make and attach a photocopy of the government issued ID shown by the applicant.
☐ The \$45.00 Background Investigation fee been paid. ☐ Cash ☐ Check ☐ Credit Card

Join Us as We Tell Our Stories

*Told from 2 friends that experienced a tragedy of Shaken Baby Syndrome –
Leading up to tragedy through the aftermath*



Tami Revering speaks publicly about shaking her friend's baby while in her care and what led up to that fateful moment. She has a degree in Psychology and is currently a stay at home parent of her three boys. She has spoken for several years now at various events including Early Childhood and Family Education (ECFE) classes and staff trainings as well as Licensed Daycare provider's trainings.

Angela Pengelly is mother of the victim, Anders, who was shaken by her friend doing daycare. She's spoken with Tami about her side of the story, immediately following the incident as well as the long-term effect. Angela works full-time in Marketing and also has 3 little boys at home.



DEPARTMENT OF POLICE
Thomas E. Smith, Chief of Police



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

367 Grove Street
St. Paul, Minnesota 55101

Telephone: 651-291-1111
Facsimile: 651-266-5711

Greetings!

On behalf of the Saint Paul Police Department, we would like to welcome you to the upcoming Phase I: Property Owner / Manager training. Your application has been received. The training is on:

Tuesday & Wednesday, June 24 & 25th
5:30 p.m. to 9:30 p.m.

* * *

Western District Police Office
(corner of Hamline & I-94)
389 Hamline Avenue N
Saint Paul, MN

Water, coffee, and a light supper will be available throughout the evening.

Enclosed with this confirmation is a map to the training location. **The training room temperature is not adjustable. You may want to dress in layers.**

Sincerely,

Paul Iovino
SENIOR COMMANDER

RuthAnn Eide
Crime Prevention Coordinator
Saint Paul Police Department

*This is not
proof of registration?
Who is registered?
payments?*



City Council Regular

15.

Meeting Date: 05/20/2014

Submitted For: Mark Hansen, Assistant City Engineer

From: Cher Ridout, Admin Secretary II

INTRODUCTION

The City Engineering Division has prepared a feasibility report for the proposed construction of public improvements to serve the Crescent Ponds 8th Addition. Council is requested to accept the feasibility report and order the improvement.

DISCUSSION

Signature Ventures LLC, the developer of this project, submitted a petition to the City for the extension of public improvements to serve the proposed Crescent Ponds 8th Addition development. This development is planned to consist of 16 single family residential lots. Construction on the first phase of the Crescent Ponds development began in 2009. Current proposed street construction consists of the extension of a cul-de-sac approximately 400 feet northeast from 124th Lane. Council accepted the petition and ordered the preparation of a feasibility report on April 1, 2014.

The total estimated cost of the project is \$198,757. The project is necessary for the development to proceed. The project is cost effective and is feasible to construct. The City would contract for the construction of these public improvements. All costs would be assessed to the new development over a 5-year period. A public hearing is not required for this project.

RECOMMENDATION

It is recommended that the City Council adopt Resolution No. 14-23(7) ordering the improvement and preparation of plans.

BUDGET IMPACT:

As the proposed project will be completed by petition under Chapter 429 requirements, all costs incurred for the completion of the project will be assessed back to the benefitting property owner.

Attachments

14-23 Feasibility Report

Site Plan

Resolution No. 14-23(7)

Feasibility Report

PROJECT 14-23

Crescent Ponds 8th Addition (16 lots)

Located South of Main Street and West of
University Avenue

Sanitary Sewer, Watermain, Storm Sewer,
and Streets

May 9, 2014

*I hereby certify that this report was prepared
by me or under my direct supervision and that
I am a duly Licensed Professional Engineer
under the laws of the State of Minnesota.*



Mark C. Hansen, PE
Assistant City Engineer

License No. 43920

Date: 5/9/14



Prepared By:
CITY OF COON RAPIDS
ENGINEERING
DIVISION

PROJECT HISTORY

The developer, Signature Ventures LLC, submitted a petition to the City for the extension of public improvements to serve the proposed Crescent Ponds 8th Addition development. This development is planned to consist of 16 single family residential lots. Street construction consists of the extension of a cul-de-sac approximately 400 feet northeast from 124th Lane. Council accepted the petition and ordered the preparation of a feasibility report on April 1, 2014. The grading for the site is already complete.

PROJECT AREA CHARACTERISTICS

The project site is located west of and adjacent to University Avenue (CSAH 51), south of and adjacent to Main Street (CSAH 14), and east of and adjacent to 124th Lane. Existing single family homes are located to the south of the project. University Avenue is a four-lane divided roadway with concrete curb and gutter. Main Street is a four-lane divided roadway with concrete curb and gutter, and includes a raised concrete median. 124th Lane is a local residential street that was constructed with previous phases of the development. The project area is described as Outlot C, Crescent Ponds 4th Addition. Large stormwater management basins exist around the site, and provide volume and rate control for the development.

ENVIRONMENTAL

The project will have no adverse affects on the environment. Stormwater management basins were previously excavated as part of the mass grading for the site, and were necessary to provide volume and rate control of stormwater for the overall development. No adjustments to these stormwater management basins is proposed. A 100-year floodplain has been established for the area at elevation 888.0. This has been accepted by FEMA, and new homes can be built above the flood protection elevation to prevent flooding of properties.

PROPOSED IMPROVEMENTS

Sanitary Sewer - see attached sketch map

Sanitary sewer lateral (8-inch diameter pipe) is proposed to be extended east within the right-of-way from 124th Lane for a length of 400 feet as needed to serve the proposed 16 lots. Service pipes (4-inch diameter) will be provided for each of the 16 lots.

Watermain - see attached sketch map

Watermain lateral (8-inch diameter pipe) is proposed to be extended east within the right-of-way from 124th Lane to serve the proposed 16 lots. A fire hydrant will be provided for fire protection. Service pipe stubs (1-inch) will be installed for each of the 16 lots.

A watermain extension crossing below Main Street was previously constructed to provide a watermain "loop" necessary for better water quality and supply for fire protection. This watermain was previously paid for using Watermain Trunk, Source, and Storage funds. This loop system will connect to the watermain constructed with this phase of the development.

Storm Drain - see attached sketch map

Storm drain lateral will be installed as needed to provide for storm drainage for this phase of the development. The storm drain pipe will outlet into a stormwater management basin previously constructed with past phases of the development. The stormwater management basin areas have been previously approved by the Coon Creek Watershed District, and FEMA has approved of a floodplain designation for the pond areas.

Street - see attached sketch map

A residential street cul-de-sac will be constructed from 124th Lane northeast for a length of approximately 400 feet.

ADJACENT PROPERTY

Adjacent properties are not affected by the proposed construction. Access to the development site during construction will be from 124th Lane by way of University Avenue, as well as from 124th Lane from Flintwood Street via Main Street (CSAH 14).

EASEMENTS REQUIRED

The street right-of-way for 124th Lane was dedicated as part of the Crescent Ponds 4th Addition. The final plat will dedicate the right-of-way for the proposed cul-de-sac, as well as utility and drainage easements needed for the proposed construction. In addition, the new plat shall be updated to reflect a 20 foot wide drainage and utility easement necessary for the watermain loop constructed between proposed lots 10 and 11 of block 1.

MAINTENANCE IMPACT

The City will maintain the sanitary sewer, watermain, storm drain, and street after the construction is completed. There are no unusual maintenance problems associated with this project.

ESTIMATED COSTS

Sanitary Sewer	\$ 62,442
Watermain	\$ 84,760
Storm Drain	\$ 8,725
Street	<u>\$ 42,830</u>
Total	\$ 198,757

FINANCE

The City would finance the project and assess all costs to the new lots over a 5-year period.

PROJECT TIMETABLE

May 20, 2014	--Council accepts feasibility report, orders the project and preparation of plans
June 3, 2014	--Council approves plans and orders ad for bids
July 1, 2014	--Council awards contract for construction of public improvements
August-Sept, 2014	--Construction takes place
Fall, 2014	--Council approves assessment

PROPOSED ASSESSMENTS

The proposed assessments have been estimated at this time, but actual assessments will be based on actual costs. Costs for each improvement would be divided by the number of lots (16) to determine the rate "per lot". Estimated rates are as follows:

Sanitary sewer	\$ 3,902.59
Watermain	\$ 5,297.50
Storm Drain	\$ 545.34
Street	\$ 2,676.88
Total	\$ 12,422.31

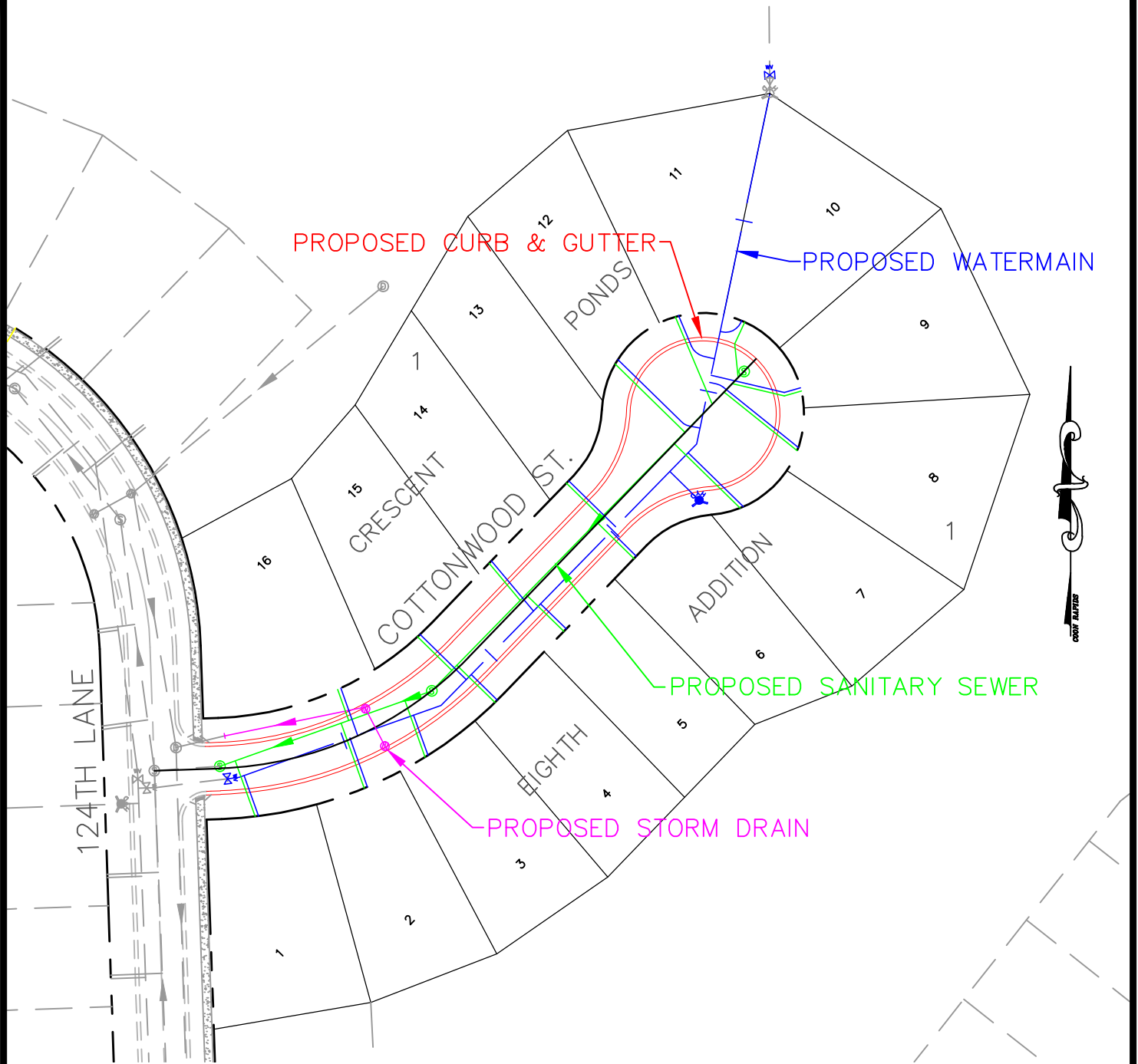
PROJECT FEASIBILITY

The project is necessary for this phase of the 16 lots to be developed. The project is cost effective, and is feasible to construct.

CONCLUSION AND RECOMMENDATION

The Crescent Ponds plat is being developed in multiple phases. The first phase of public improvements was constructed in 2009. Phase 2 construction provided for another 27 lots. The current phase provides for another 16 single family lots.

It is recommended that Council adopt the attached resolution ordering the project and ordering the preparation of plans.



**COON
RAPIDS**
Minnesota

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PROJECT 14-23
CRESCENT PONDS EIGHTH ADD.
SANITARY SEWER, WATERMAIN, STORM DRAIN, STREET CONSTRUCTION

DRAWN Z.J.P.

DATE: 5/09/2014

SCALE: N/A

PLATE NO.

RESOLUTION NO. 14-23(7)

**(7) RESOLUTION ORDERING IMPROVEMENT AND
PREPARATION OF PLANS (100% PETITION)**

WHEREAS, a certain petition requesting the improvement of Crescent Ponds 8th Addition located at University Avenue and Main Street by construction of sanitary sewer, watermain, storm drain, and street was duly presented to the Council on the 1st day of April, 2014; and

WHEREAS, pursuant to Resolution of the Council adopted on the 1st day of April, 2014, a feasibility report has been prepared by the City Engineering Division with reference to the improvement, and this report was received by the Council on the 20th day of May, 2014 and the maximum estimated amount of debt to be incurred by the City is \$198,757.00;

WHEREAS, the City of Coon Rapids expects to reimburse all or a portion of the project expenditures with the proceeds of debt to be incurred by the City; and

WHEREAS, this declaration is made pursuant to Section 1.103-18 of the Income Tax Regulations of the Internal Revenue Service.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Coon Rapids, Minnesota:

1. The Council finds and determines that said petition was signed by all owners of real property abutting upon the street(s) named as the location of the improvement.
2. Such improvement is necessary, cost effective, and feasible as detailed in the feasibility report.
3. Such improvement is hereby ordered as proposed in the Council Resolution adopted on the 20th day of May, 2014.
4. The City Engineering Division is hereby designated as the engineer for this improvement. The City Engineering Division shall prepare plans and specifications for the making of such improvement.

Adopted this 20th day of May, 2014.

Tim Howe, Mayor

ATTEST:

Catherine M. Sorensen, City Clerk



City Council Regular

16.

Meeting Date: 05/20/2014

From: Sharon Legg, Finance Director

INTRODUCTION

The City Council is requested to call for a public hearing on the proposed issuance of bonds to refinance prior bonds for Epiphany Assisted Living, LLC.

DISCUSSION

Epiphany Assisted Living, LLC previously issued Senior Housing Revenue Refunding Bonds which are proposed to again be refinanced. It will be less expensive for Epiphany Assisted Living, LLC to issue these bonds on a bank qualified basis. In order to be bank qualified, the issue must fall within the first \$10 million of bonds a City issues annually. Due to the expectation that the City of Coon Rapids will be issuing bonds of its own in 2014, there is not sufficient bank qualification available to Epiphany Assisted Living, LLC. However, the City of Champlin is not expecting to issue bonds of its own and is willing to allow its bank qualification to be used for the Epiphany bonds. However, the City of Coon Rapids must still authorize the issuance.

The Coon Rapids City Council is requested to set a public hearing on June 17, 2014 for this proposed bond issue. Of course, there is no obligation for the City to repay the bonds.

RECOMMENDATION

Staff recommends adopting Resolution 14-63 Relating to an Assisted Living Facility Revenue Refunding Bond Issue for Epiphany Assisted Living, LC and call a public hearing for June 17, 2014.

Attachments

Resolution 14-63

RESOLUTION NO. 14-63

RELATING TO AN ASSISTED LIVING FACILITY

REVENUE REFUNDING BOND ISSUE FOR
EPIPHANY ASSISTED LIVING, LLC

WHEREAS, the City of Coon Rapids, Minnesota (the “City”) has previously issued its \$8,850,000 Senior Housing Revenue Refunding Bonds (Epiphany Assisted Living, LLC Project) Series 2005A (the “Prior Bonds”) with respect to the Project described below; and

WHEREAS, Epiphany Assisted Living, LLC, a Minnesota limited liability company (the “Company”), intends to refinance (through the refunding of the Prior Bonds) its existing 67-unit assisted living and memory care facility located at 10955 Hanson Boulevard NW in the City (the “Project”); and

WHEREAS, it is proposed that the City of Champlin (“Champlin”) issue its Assisted Living Facility Revenue Refunding Bond (the “Bond”) on a bank-qualified basis to refund the Prior Bonds and thereby refinance the Project; and

WHEREAS, in accordance with applicable federal tax law and Minnesota law, the City must hold a public hearing and approve the issuance of the Bond by Champlin; and

WHEREAS, the Company represents that the economic stability of the Project will be greatly enhanced through the issuance of the Bond by Champlin and therefore requests the City to declare its present intent to approve the issuance of the Bond by Champlin to provide funds to refinance the Project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Coon Rapids, Minnesota, as follows:

Section 1. It is hereby declared to be the intention of the City Council of the City to approve the issuance of the Bond by Champlin in a principal amount expected to not exceed \$9,000,000, for the purpose of refunding the Prior Bonds and refinancing the Project, subject to a public hearing to be held as described in Section 3 hereof.

Section 2. The officers and employees of the City are hereby authorized to take such further action as is necessary to carry out the intent and purposes of this resolution.

Section 3. The City Council shall hold a public hearing at 7:00 p.m. central time on Tuesday, June 17, 2014 to provide an opportunity for interested individuals to express their views on the proposed issue of the Bond and the nature of the Project. The City Clerk shall cause a notice of public hearing in substantially the form attached as Exhibit A to be published in the official newspaper of the City no fewer than fourteen (14) days before the hearing.

Section 4. The Company has agreed to pay any and all costs incurred by the City in connection with the public hearing and approval of the issuance of the Bond, whether or not the Bond is ultimately issued by Champlin.

Section 5. The adoption of this resolution does not constitute a guarantee or a firm commitment that the City will approve the issuance of the Bond by Champlin as requested by the Company. The City retains the right in its sole discretion to withdraw from participation should the City at any time determine that it is in the best interest of the City not to approve the issuance of the Bond by Champlin.

Section 6. If the Bond is not issued by December 31, 2014, this resolution shall expire and be of no further effect.

Adopted by the Coon Rapids City Council this 20th day of May, 2014.

Approved:

Tim Howe, Mayor

Attest:

Vincent Vu, Management Analyst/Deputy Clerk

EXHIBIT A

NOTICE OF A PUBLIC HEARING ON
THE ISSUANCE OF AN ASSISTED LIVING FACILITY
REVENUE REFUNDING BOND
BY THE CITY OF CHAMPLIN, MINNESOTA FOR A
PROJECT LOCATED IN COON RAPIDS, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Coon Rapids, Minnesota (the “City”), will meet at 7:00 p.m. central time on Tuesday, June 17, 2014, at the Council Chambers in the City Hall at 11155 Robinson Drive NW, Coon Rapids, Minnesota, for the purpose of conducting a public hearing on a proposal that the City of Champlin, Minnesota (“Champlin”) issue its Assisted Living Facility Revenue Refunding Bond (hereinafter the “Bond”) under Minnesota Statutes, Chapter 462C and Sections 471.656 and 462A.08, as amended, in order to refinance, in whole or in part, the costs of a project. The proposed refinancing will consist of the refunding of certain revenue refunding bonds previously issued by the City in 2005 with respect to a 67-unit assisted living and memory care facility located at 10955 Hanson Boulevard NW in the City (the “Project”), and owned by Epiphany Assisted Living, LLC, a Minnesota limited liability company (the “Company”). The principal amount of the proposed Bond is estimated not to exceed \$9,000,000. The Bond shall be a limited obligation of Champlin, and the Bond and the interest thereon shall be payable solely from the Company’s revenues and property pledged to the payment thereof. The City shall have no obligation whatsoever with respect to the Bond.

All persons interested may appear and be heard at the time and place set forth above or may file written comments with the City Clerk which shall be considered at the public hearing.

BY ORDER OF THE CITY COUNCIL

Vincent Vu, Management Analyst/Deputy Clerk